

As Reported by the Senate Judiciary--Criminal Justice Committee

125th General Assembly

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Sub. S. B. No. 5

Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman,
Harris, Hottinger, Spada, Stivers, Herington, Dann, Fedor, Austria

A BILL

To amend sections 109.42, 109.57, 1923.01, 1923.02, 1
1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2
2152.83, 2152.84, 2152.85, 2901.07, 2907.07, 3
2919.24, 2929.01, 2929.13, 2929.19, 2929.21, 4
2935.36, 2950.01, 2950.02, 2950.03, 2950.04, 5
2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 6
2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 7
2950.14, 2950.99, 2971.01, 3319.20, 3319.31, 8
5139.13, 5321.01, and 5321.03 and to enact 9
sections 2152.811, 2152.851, 2950.021, 2950.031, 10
2950.041, 2950.091, 2950.111, and 5321.051 of the 11
Revised Code to modify the Sex Offender 12
Registration and Notification Law by adopting most 13
of the recommendations of the Governor's Sex 14
Offender Registration and Notification Task Force, 15
generally conforming the Law to federal 16
guidelines, renaming as "child-victim oriented 17
offenses" certain crimes against children not 18
committed with a sexual motivation that currently 19
subject offenders and delinquent children to the 20
Law, exempting certain sexually oriented offenses 21
committed by a first-time offender delinquent 22
child against a person 18 years of age or older 23
from the registration and related duties under the 24

Law unless a judge removes the exemption, 25
providing a penalty for failing to send a notice 26
of intent to reside, clarifying that habitual sex 27
offenders or habitual child-victim offenders in 28
another jurisdiction are habitual sex offenders or 29
habitual child-victim offenders under Ohio law, 30
clarifying the Law's community notification 31
provisions as applied to multi-unit buildings, 32
specifying that convictions in courts of foreign 33
nations are sexually oriented offenses or 34
child-victim oriented offenses under the Law, 35
prohibiting an offender who is subject to the Law 36
from establishing a residence within 1,000 feet of 37
any school premises, permitting landlords to evict 38
such an offender from residential premises located 39
within 1,000 feet of school premises, and making 40
other changes in that Law; to eliminate from the 41
offense of "importuning" a prohibition that the 42
Supreme Court found to be unconstitutional; to 43
amend the versions of sections 2152.19, 2929.01, 44
2929.13, and 2929.19 of the Revised Code that are 45
scheduled to take effect on January 1, 2004, to 46
continue the provisions of this act on and after 47
that effective date; and to declare an emergency. 48

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.42, 109.57, 1923.01, 1923.02, 49
1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 2152.84, 50
2152.85, 2901.07, 2907.07, 2919.24, 2929.01, 2929.13, 2929.19, 51
2929.21, 2935.36, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 52
2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 53

2950.12, 2950.13, 2950.14, 2950.99, 2971.01, 3319.20, 3319.31, 54
5139.13, 5321.01, and 5321.03 be amended and sections 2152.811, 55
2152.851, 2950.021, 2950.031, 2950.041, 2950.091, 2950.111, and 56
5321.051 of the Revised Code be enacted to read as follows: 57

Sec. 109.42. (A) The attorney general shall prepare and have 58
printed a pamphlet that contains a compilation of all statutes 59
relative to victim's rights in which the attorney general lists 60
and explains the statutes in the form of a victim's bill of 61
rights. The attorney general shall distribute the pamphlet to all 62
sheriffs, marshals, municipal corporation and township police 63
departments, constables, and other law enforcement agencies, to 64
all prosecuting attorneys, city directors of law, village 65
solicitors, and other similar chief legal officers of municipal 66
corporations, and to organizations that represent or provide 67
services for victims of crime. The victim's bill of rights set 68
forth in the pamphlet shall contain a description of all of the 69
rights of victims that are provided for in Chapter 2930. or in any 70
other section of the Revised Code and shall include, but not be 71
limited to, all of the following: 72

(1) The right of a victim or a victim's representative to 73
attend a proceeding before a grand jury, in a juvenile case, or in 74
a criminal case pursuant to a subpoena without being discharged 75
from the victim's or representative's employment, having the 76
victim's or representative's employment terminated, having the 77
victim's or representative's pay decreased or withheld, or 78
otherwise being punished, penalized, or threatened as a result of 79
time lost from regular employment because of the victim's or 80
representative's attendance at the proceeding pursuant to the 81
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 82
2945.451 of the Revised Code; 83

(2) The potential availability pursuant to section 2151.359 84

or 2152.61 of the Revised Code of a forfeited recognizance to pay 85
damages caused by a child when the delinquency of the child or 86
child's violation of probation or community control is found to be 87
proximately caused by the failure of the child's parent or 88
guardian to subject the child to reasonable parental authority or 89
to faithfully discharge the conditions of probation or community 90
control; 91

(3) The availability of awards of reparations pursuant to 92
sections 2743.51 to 2743.72 of the Revised Code for injuries 93
caused by criminal offenses; 94

(4) The right of the victim in certain criminal or juvenile 95
cases or a victim's representative to receive, pursuant to section 96
2930.06 of the Revised Code, notice of the date, time, and place 97
of the trial or delinquency proceeding in the case or, if there 98
will not be a trial or delinquency proceeding, information from 99
the prosecutor, as defined in section 2930.01 of the Revised Code, 100
regarding the disposition of the case; 101

(5) The right of the victim in certain criminal or juvenile 102
cases or a victim's representative to receive, pursuant to section 103
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 104
name of the person charged with the violation, the case or docket 105
number assigned to the charge, and a telephone number or numbers 106
that can be called to obtain information about the disposition of 107
the case; 108

(6) The right of the victim in certain criminal or juvenile 109
cases or of the victim's representative pursuant to section 110
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 111
terms set by the court as authorized under section 2930.14 of the 112
Revised Code, to make a statement about the victimization and, if 113
applicable, a statement relative to the sentencing or disposition 114
of the offender; 115

(7) The opportunity to obtain a court order, pursuant to 116
section 2945.04 of the Revised Code, to prevent or stop the 117
commission of the offense of intimidation of a crime victim or 118
witness or an offense against the person or property of the 119
complainant, or of the complainant's ward or child; 120

(8) The right of the victim in certain criminal or juvenile 121
cases or a victim's representative pursuant to sections 2151.38, 122
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 123
receive notice of a pending motion for judicial release or early 124
release of the person who committed the offense against the 125
victim, to make an oral or written statement at the court hearing 126
on the motion, and to be notified of the court's decision on the 127
motion; 128

(9) The right of the victim in certain criminal or juvenile 129
cases or a victim's representative pursuant to section 2930.16, 130
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 131
of any pending commutation, pardon, parole, transitional control, 132
discharge, other form of authorized release, post-release control, 133
or supervised release for the person who committed the offense 134
against the victim or any application for release of that person 135
and to send a written statement relative to the victimization and 136
the pending action to the adult parole authority or the release 137
authority of the department of youth services; 138

(10) The right of the victim to bring a civil action pursuant 139
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 140
from the offender's profit fund; 141

(11) The right, pursuant to section 3109.09 of the Revised 142
Code, to maintain a civil action to recover compensatory damages 143
not exceeding ten thousand dollars and costs from the parent of a 144
minor who willfully damages property through the commission of an 145
act that would be a theft offense, as defined in section 2913.01 146

of the Revised Code, if committed by an adult; 147

(12) The right, pursuant to section 3109.10 of the Revised 148
Code, to maintain a civil action to recover compensatory damages 149
not exceeding ten thousand dollars and costs from the parent of a 150
minor who willfully and maliciously assaults a person; 151

(13) The possibility of receiving restitution from an 152
offender or a delinquent child pursuant to section 2152.20, 153
2929.18, or 2929.21 of the Revised Code; 154

(14) The right of the victim in certain criminal or juvenile 155
cases or a victim's representative, pursuant to section 2930.16 of 156
the Revised Code, to receive notice of the escape from confinement 157
or custody of the person who committed the offense, to receive 158
that notice from the custodial agency of the person at the 159
victim's last address or telephone number provided to the 160
custodial agency, and to receive notice that, if either the 161
victim's address or telephone number changes, it is in the 162
victim's interest to provide the new address or telephone number 163
to the custodial agency; 164

(15) The right of a victim of domestic violence to seek the 165
issuance of a temporary protection order pursuant to section 166
2919.26 of the Revised Code, to seek the issuance of a civil 167
protection order pursuant to section 3113.31 of the Revised Code, 168
and to be accompanied by a victim advocate during court 169
proceedings; 170

(16) The right of a victim of a sexually oriented offense 171
that is not a registration-exempt sexually oriented offense or of 172
a child-victim oriented offense that is committed by a person who 173
is convicted of or pleads guilty to an aggravated sexually 174
oriented offense, by a person who is adjudicated ~~as being~~ a sexual 175
predator or child-victim predator, or, in certain cases, by a 176
person who is determined to be a habitual sex offender or habitual 177

child-victim offender to receive, pursuant to section 2950.10 of 178
the Revised Code, notice that the person has registered with a 179
sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised 180
Code and notice of the person's name and the residence, school, 181
institution of higher education, or place of employment address or 182
addresses that are registered, and a summary of the manner in 183
which the victim must make a request to receive the notice. As 184
used in this division, "sexually oriented offense," "adjudicated 185
~~as being~~ a sexual predator," ~~and~~ "habitual sex offender," 186
"registration-exempt sexually oriented offense," "aggravated 187
sexually oriented offense," "child-victim oriented offense," 188
"adjudicated a child-victim predator," and "habitual child-victim 189
offender" have the same meanings as in section 2950.01 of the 190
Revised Code. 191

(17) The right of a victim of certain sexually violent 192
offenses committed by a sexually violent predator who is sentenced 193
to a prison term pursuant to division (A)(3) of section 2971.03 of 194
the Revised Code to receive, pursuant to section 2930.16 of the 195
Revised Code, notice of a hearing to determine whether to modify 196
the requirement that the offender serve the entire prison term in 197
a state correctional facility, whether to continue, revise, or 198
revoke any existing modification of that requirement, or whether 199
to terminate the prison term. As used in this division, "sexually 200
violent offense" and "sexually violent predator" have the same 201
meanings as in section 2971.01 of the Revised Code. 202

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 203
prosecuting attorney, assistant prosecuting attorney, city 204
director of law, assistant city director of law, village 205
solicitor, assistant village solicitor, or similar chief legal 206
officer of a municipal corporation or an assistant of any of those 207
officers who prosecutes an offense committed in this state, upon 208
first contact with the victim of the offense, the victim's family, 209

or the victim's dependents, shall give the victim, the victim's 210
family, or the victim's dependents a copy of the pamphlet prepared 211
pursuant to division (A) of this section and explain, upon 212
request, the information in the pamphlet to the victim, the 213
victim's family, or the victim's dependents. 214

(b) Subject to division (B)(1)(c) of this section, a law 215
enforcement agency that investigates an offense or delinquent act 216
committed in this state shall give the victim of the offense or 217
delinquent act, the victim's family, or the victim's dependents a 218
copy of the pamphlet prepared pursuant to division (A) of this 219
section at one of the following times: 220

(i) Upon first contact with the victim, the victim's family, 221
or the victim's dependents; 222

(ii) If the offense or delinquent act is an offense of 223
violence, if the circumstances of the offense or delinquent act 224
and the condition of the victim, the victim's family, or the 225
victim's dependents indicate that the victim, the victim's family, 226
or the victim's dependents will not be able to understand the 227
significance of the pamphlet upon first contact with the agency, 228
and if the agency anticipates that it will have an additional 229
contact with the victim, the victim's family, or the victim's 230
dependents, upon the agency's second contact with the victim, the 231
victim's family, or the victim's dependents. 232

If the agency does not give the victim, the victim's family, 233
or the victim's dependents a copy of the pamphlet upon first 234
contact with them and does not have a second contact with the 235
victim, the victim's family, or the victim's dependents, the 236
agency shall mail a copy of the pamphlet to the victim, the 237
victim's family, or the victim's dependents at their last known 238
address. 239

(c) In complying on and after December 9, 1994, with the 240

duties imposed by division (B)(1)(a) or (b) of this section, an 241
official or a law enforcement agency shall use copies of the 242
pamphlet that are in the official's or agency's possession on 243
December 9, 1994, until the official or agency has distributed all 244
of those copies. After the official or agency has distributed all 245
of those copies, the official or agency shall use only copies of 246
the pamphlet that contain at least the information described in 247
division (A)(1) to (17) of this section. 248

(2) The failure of a law enforcement agency or of a 249
prosecuting attorney, assistant prosecuting attorney, city 250
director of law, assistant city director of law, village 251
solicitor, assistant village solicitor, or similar chief legal 252
officer of a municipal corporation or an assistant to any of those 253
officers to give, as required by division (B)(1) of this section, 254
the victim of an offense or delinquent act, the victim's family, 255
or the victim's dependents a copy of the pamphlet prepared 256
pursuant to division (A) of this section does not give the victim, 257
the victim's family, the victim's dependents, or a victim's 258
representative any rights under section 122.95, 2743.51 to 259
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 260
of the Revised Code or under any other provision of the Revised 261
Code and does not affect any right under those sections. 262

(3) A law enforcement agency, a prosecuting attorney or 263
assistant prosecuting attorney, or a city director of law, 264
assistant city director of law, village solicitor, assistant 265
village solicitor, or similar chief legal officer of a municipal 266
corporation that distributes a copy of the pamphlet prepared 267
pursuant to division (A) of this section shall not be required to 268
distribute a copy of an information card or other printed material 269
provided by the clerk of the court of claims pursuant to section 270
2743.71 of the Revised Code. 271

(C) The cost of printing and distributing the pamphlet 272

prepared pursuant to division (A) of this section shall be paid 273
out of the reparations fund, created pursuant to section 2743.191 274
of the Revised Code, in accordance with division (D) of that 275
section. 276

(D) As used in this section: 277

(1) "Victim's representative" has the same meaning as in 278
section 2930.01 of the Revised Code; 279

(2) "Victim advocate" has the same meaning as in section 280
2919.26 of the Revised Code. 281

Sec. 109.57. (A)(1) The superintendent of the bureau of 282
criminal identification and investigation shall procure from 283
wherever procurable and file for record photographs, pictures, 284
descriptions, fingerprints, measurements, and other information 285
that may be pertinent of all persons who have been convicted of 286
committing within this state a felony, any crime constituting a 287
misdemeanor on the first offense and a felony on subsequent 288
offenses, or any misdemeanor described in division (A)(1)(a) of 289
section 109.572 of the Revised Code, of all children under 290
eighteen years of age who have been adjudicated delinquent 291
children for committing within this state an act that would be a 292
felony or an offense of violence if committed by an adult or who 293
have been convicted of or pleaded guilty to committing within this 294
state a felony or an offense of violence, and of all well-known 295
and habitual criminals. The person in charge of any county, 296
multicounty, municipal, municipal-county, or multicounty-municipal 297
jail or workhouse, community-based correctional facility, halfway 298
house, alternative residential facility, or state correctional 299
institution and the person in charge of any state institution 300
having custody of a person suspected of having committed a felony, 301
any crime constituting a misdemeanor on the first offense and a 302
felony on subsequent offenses, or any misdemeanor described in 303

division (A)(1)(a) of section 109.572 of the Revised Code or 304
having custody of a child under eighteen years of age with respect 305
to whom there is probable cause to believe that the child may have 306
committed an act that would be a felony or an offense of violence 307
if committed by an adult shall furnish such material to the 308
superintendent of the bureau. Fingerprints, photographs, or other 309
descriptive information of a child who is under eighteen years of 310
age, has not been arrested or otherwise taken into custody for 311
committing an act that would be a felony or an offense of violence 312
if committed by an adult, has not been adjudicated a delinquent 313
child for committing an act that would be a felony or an offense 314
of violence if committed by an adult, has not been convicted of or 315
pleaded guilty to committing a felony or an offense of violence, 316
and is not a child with respect to whom there is probable cause to 317
believe that the child may have committed an act that would be a 318
felony or an offense of violence if committed by an adult shall 319
not be procured by the superintendent or furnished by any person 320
in charge of any county, multicounty, municipal, municipal-county, 321
or multicounty-municipal jail or workhouse, community-based 322
correctional facility, halfway house, alternative residential 323
facility, or state correctional institution, except as authorized 324
in section 2151.313 of the Revised Code. 325

(2) Every clerk of a court of record in this state, other 326
than the supreme court or a court of appeals, shall send to the 327
superintendent of the bureau a weekly report containing a summary 328
of each case involving a felony, involving any crime constituting 329
a misdemeanor on the first offense and a felony on subsequent 330
offenses, involving a misdemeanor described in division (A)(1)(a) 331
of section 109.572 of the Revised Code, or involving an 332
adjudication in a case in which a child under eighteen years of 333
age was alleged to be a delinquent child for committing an act 334
that would be a felony or an offense of violence if committed by 335
an adult. The clerk of the court of common pleas shall include in 336

the report and summary the clerk sends under this division all 337
information described in divisions (A)(2)(a) to (f) of this 338
section regarding a case before the court of appeals that is 339
served by that clerk. The summary shall be written on the standard 340
forms furnished by the superintendent pursuant to division (B) of 341
this section and shall include the following information: 342

(a) The incident tracking number contained on the standard 343
forms furnished by the superintendent pursuant to division (B) of 344
this section; 345

(b) The style and number of the case; 346

(c) The date of arrest; 347

(d) The date that the person was convicted of or pleaded 348
guilty to the offense, adjudicated a delinquent child for 349
committing the act that would be a felony or an offense of 350
violence if committed by an adult, found not guilty of the 351
offense, or found not to be a delinquent child for committing an 352
act that would be a felony or an offense of violence if committed 353
by an adult, the date of an entry dismissing the charge, an entry 354
declaring a mistrial of the offense in which the person is 355
discharged, an entry finding that the person or child is not 356
competent to stand trial, or an entry of a nolle prosequi, or the 357
date of any other determination that constitutes final resolution 358
of the case; 359

(e) A statement of the original charge with the section of 360
the Revised Code that was alleged to be violated; 361

(f) If the person or child was convicted, pleaded guilty, or 362
was adjudicated a delinquent child, the sentence or terms of 363
probation imposed or any other disposition of the offender or the 364
delinquent child. 365

If the offense involved the disarming of a law enforcement 366
officer or an attempt to disarm a law enforcement officer, the 367

clerk shall clearly state that fact in the summary, and the 368
superintendent shall ensure that a clear statement of that fact is 369
placed in the bureau's records. 370

(3) The superintendent shall cooperate with and assist 371
sheriffs, chiefs of police, and other law enforcement officers in 372
the establishment of a complete system of criminal identification 373
and in obtaining fingerprints and other means of identification of 374
all persons arrested on a charge of a felony, any crime 375
constituting a misdemeanor on the first offense and a felony on 376
subsequent offenses, or a misdemeanor described in division 377
(A)(1)(a) of section 109.572 of the Revised Code and of all 378
children under eighteen years of age arrested or otherwise taken 379
into custody for committing an act that would be a felony or an 380
offense of violence if committed by an adult. The superintendent 381
also shall file for record the fingerprint impressions of all 382
persons confined in a county, multicounty, municipal, 383
municipal-county, or multicounty-municipal jail or workhouse, 384
community-based correctional facility, halfway house, alternative 385
residential facility, or state correctional institution for the 386
violation of state laws and of all children under eighteen years 387
of age who are confined in a county, multicounty, municipal, 388
municipal-county, or multicounty-municipal jail or workhouse, 389
community-based correctional facility, halfway house, alternative 390
residential facility, or state correctional institution or in any 391
facility for delinquent children for committing an act that would 392
be a felony or an offense of violence if committed by an adult, 393
and any other information that the superintendent may receive from 394
law enforcement officials of the state and its political 395
subdivisions. 396

(4) The superintendent shall carry out Chapter 2950. of the 397
Revised Code with respect to the registration of persons who are 398
convicted of or plead guilty to either a sexually oriented offense 399

that is not a registration-exempt sexually oriented offense or a 400
child-victim oriented offense and with respect to all other duties 401
imposed on the bureau under that chapter. 402

(B) The superintendent shall prepare and furnish to every 403
county, multicounty, municipal, municipal-county, or 404
multicounty-municipal jail or workhouse, community-based 405
correctional facility, halfway house, alternative residential 406
facility, or state correctional institution and to every clerk of 407
a court in this state specified in division (A)(2) of this section 408
standard forms for reporting the information required under 409
division (A) of this section. The standard forms that the 410
superintendent prepares pursuant to this division may be in a 411
tangible format, in an electronic format, or in both tangible 412
formats and electronic formats. 413

(C) The superintendent may operate a center for electronic, 414
automated, or other data processing for the storage and retrieval 415
of information, data, and statistics pertaining to criminals and 416
to children under eighteen years of age who are adjudicated 417
delinquent children for committing an act that would be a felony 418
or an offense of violence if committed by an adult, criminal 419
activity, crime prevention, law enforcement, and criminal justice, 420
and may establish and operate a statewide communications network 421
to gather and disseminate information, data, and statistics for 422
the use of law enforcement agencies. The superintendent may 423
gather, store, retrieve, and disseminate information, data, and 424
statistics that pertain to children who are under eighteen years 425
of age and that are gathered pursuant to sections 109.57 to 109.61 426
of the Revised Code together with information, data, and 427
statistics that pertain to adults and that are gathered pursuant 428
to those sections. 429

(D) The information and materials furnished to the 430
superintendent pursuant to division (A) of this section and 431

information and materials furnished to any board or person under 432
division (F) or (G) of this section are not public records under 433
section 149.43 of the Revised Code. 434

(E) The attorney general shall adopt rules, in accordance 435
with Chapter 119. of the Revised Code, setting forth the procedure 436
by which a person may receive or release information gathered by 437
the superintendent pursuant to division (A) of this section. A 438
reasonable fee may be charged for this service. If a temporary 439
employment service submits a request for a determination of 440
whether a person the service plans to refer to an employment 441
position has been convicted of or pleaded guilty to an offense 442
listed in division (A)(1), (3), (4), or (5) of section 109.572 of 443
the Revised Code, the request shall be treated as a single request 444
and only one fee shall be charged. 445

(F)(1) As used in division (F)(2) of this section, "head 446
start agency" means an entity in this state that has been approved 447
to be an agency for purposes of subchapter II of the "Community 448
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 449
as amended. 450

(2)(a) In addition to or in conjunction with any request that 451
is required to be made under section 109.572, 2151.86, 3301.32, 452
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 453
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 454
education of any school district; the director of mental 455
retardation and developmental disabilities; any county board of 456
mental retardation and developmental disabilities; any entity 457
under contract with a county board of mental retardation and 458
developmental disabilities; the chief administrator of any 459
chartered nonpublic school; the chief administrator of any home 460
health agency; the chief administrator of or person operating any 461
child day-care center, type A family day-care home, or type B 462
family day-care home licensed or certified under Chapter 5104. of 463

the Revised Code; the administrator of any type C family day-care 464
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 465
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 466
general assembly; the chief administrator of any head start 467
agency; or the executive director of a public children services 468
agency may request that the superintendent of the bureau 469
investigate and determine, with respect to any individual who has 470
applied for employment in any position after October 2, 1989, or 471
any individual wishing to apply for employment with a board of 472
education may request, with regard to the individual, whether the 473
bureau has any information gathered under division (A) of this 474
section that pertains to that individual. On receipt of the 475
request, the superintendent shall determine whether that 476
information exists and, upon request of the person, board, or 477
entity requesting information, also shall request from the federal 478
bureau of investigation any criminal records it has pertaining to 479
that individual. Within thirty days of the date that the 480
superintendent receives a request, the superintendent shall send 481
to the board, entity, or person a report of any information that 482
the superintendent determines exists, including information 483
contained in records that have been sealed under section 2953.32 484
of the Revised Code, and, within thirty days of its receipt, shall 485
send the board, entity, or person a report of any information 486
received from the federal bureau of investigation, other than 487
information the dissemination of which is prohibited by federal 488
law. 489

(b) When a board of education is required to receive 490
information under this section as a prerequisite to employment of 491
an individual pursuant to section 3319.39 of the Revised Code, it 492
may accept a certified copy of records that were issued by the 493
bureau of criminal identification and investigation and that are 494
presented by an individual applying for employment with the 495
district in lieu of requesting that information itself. In such a 496

case, the board shall accept the certified copy issued by the 497
bureau in order to make a photocopy of it for that individual's 498
employment application documents and shall return the certified 499
copy to the individual. In a case of that nature, a district only 500
shall accept a certified copy of records of that nature within one 501
year after the date of their issuance by the bureau. 502

(3) The state board of education may request, with respect to 503
any individual who has applied for employment after October 2, 504
1989, in any position with the state board or the department of 505
education, any information that a school district board of 506
education is authorized to request under division (F)(2) of this 507
section, and the superintendent of the bureau shall proceed as if 508
the request has been received from a school district board of 509
education under division (F)(2) of this section. 510

(4) When the superintendent of the bureau receives a request 511
for information that is authorized under section 3319.291 of the 512
Revised Code, the superintendent shall proceed as if the request 513
has been received from a school district board of education under 514
division (F)(2) of this section. 515

(5) When a recipient of an OhioReads classroom or community 516
reading grant paid under section 3301.86 or 3301.87 of the Revised 517
Code or an entity approved by the OhioReads council requests, with 518
respect to any individual who applies to participate in providing 519
any program or service through an entity approved by the OhioReads 520
council or funded in whole or in part by the grant, the 521
information that a school district board of education is 522
authorized to request under division (F)(2)(a) of this section, 523
the superintendent of the bureau shall proceed as if the request 524
has been received from a school district board of education under 525
division (F)(2)(a) of this section. 526

(G) In addition to or in conjunction with any request that is 527
required to be made under section 173.41, 3701.881, 3712.09, 528

3721.121, or 3722.151 of the Revised Code with respect to an 529
individual who has applied for employment in a position that 530
involves providing direct care to an older adult, the chief 531
administrator of a PASSPORT agency that provides services through 532
the PASSPORT program created under section 173.40 of the Revised 533
Code, home health agency, hospice care program, home licensed 534
under Chapter 3721. of the Revised Code, adult day-care program 535
operated pursuant to rules adopted under section 3721.04 of the 536
Revised Code, or adult care facility may request that the 537
superintendent of the bureau investigate and determine, with 538
respect to any individual who has applied after January 27, 1997, 539
for employment in a position that does not involve providing 540
direct care to an older adult, whether the bureau has any 541
information gathered under division (A) of this section that 542
pertains to that individual. On receipt of the request, the 543
superintendent shall determine whether that information exists 544
and, on request of the administrator requesting information, shall 545
also request from the federal bureau of investigation any criminal 546
records it has pertaining to that individual. Within thirty days 547
of the date a request is received, the superintendent shall send 548
to the administrator a report of any information determined to 549
exist, including information contained in records that have been 550
sealed under section 2953.32 of the Revised Code, and, within 551
thirty days of its receipt, shall send the administrator a report 552
of any information received from the federal bureau of 553
investigation, other than information the dissemination of which 554
is prohibited by federal law. 555

(H) Information obtained by a board, administrator, or other 556
person under this section is confidential and shall not be 557
released or disseminated. 558

(I) The superintendent may charge a reasonable fee for 559
providing information or criminal records under division (F)(2) or 560

(G) of this section. 561

Sec. 1923.01. (A) As provided in this chapter, any judge of a 562
county or municipal court or a court of common pleas, within the 563
judge's proper area of jurisdiction, may inquire about persons who 564
make unlawful and forcible entry into lands or tenements and 565
detain them, and about persons who make a lawful and peaceable 566
entry into lands or tenements and hold them unlawfully and by 567
force. If, upon such inquiry, it is found that an unlawful and 568
forcible entry has been made and the lands or tenements are 569
detained, or that, after a lawful entry, lands or tenements are 570
held unlawfully and by force, a judge shall cause the plaintiff in 571
an action under this chapter to have restitution of the lands or 572
tenements. 573

(B) An action shall be brought under this chapter within two 574
years after the cause of action accrues. 575

(C) As used in this chapter: 576

(1) "Tenant" means a person who is entitled under a rental 577
agreement to the use or occupancy of premises, other than premises 578
located in a manufactured home park as defined in section 3733.01 579
of the Revised Code, to the exclusion of others. 580

(2) "Landlord" means the owner, lessor, or sublessor of 581
premises, the agent or person the landlord authorizes to manage 582
premises or to receive rent from a tenant under a rental 583
agreement, except, if required by the facts of the action to which 584
the term is applied, "landlord" means a park operator. 585

(3) "Park operator," "manufactured home," "mobile home," 586
"manufactured home park," and "resident" have the same meanings as 587
in section 3733.01 of the Revised Code. 588

(4) "Residential premises" has the same meaning as in section 589
5321.01 of the Revised Code, except, if required by the facts of 590

the action to which the term is applied, "residential premises" 591
has the same meaning as in section 3733.01 of the Revised Code. 592

(5) "Rental agreement" means any agreement or lease, written 593
or oral, that establishes or modifies the terms, conditions, 594
rules, or any other provisions concerning the use or occupancy of 595
premises by one of the parties to the agreement or lease, except 596
that "rental agreement," as used in division (A)(11) of section 597
1923.02 of the Revised Code and where the context requires as used 598
in this chapter, means a rental agreement as defined in division 599
(D) of section 5322.01 of the Revised Code. 600

(6) "Controlled substance" has the same meaning as in section 601
3719.01 of the Revised Code. 602

(7) "School premises" has the same meaning as in section 603
2925.01 of the Revised Code. 604

(8) "Sexually oriented offense" and "child-victim oriented 605
offense" have the same meanings as in section 2950.01 of the 606
Revised Code. 607

Sec. 1923.02. (A) Proceedings under this chapter may be had 608
as follows: 609

(1) Against tenants or manufactured home park residents 610
holding over their terms; 611

(2) Against tenants or manufactured home park residents in 612
possession under an oral tenancy, who are in default in the 613
payment of rent as provided in division (B) of this section; 614

(3) In sales of real estate, on executions, orders, or other 615
judicial process, when the judgment debtor was in possession at 616
the time of the rendition of the judgment or decree, by virtue of 617
which such sale was made; 618

(4) In sales by executors, administrators, or guardians, and 619
on partition, when any of the parties to the complaint were in 620

possession at the commencement of the action, after such sales, so 621
made on execution or otherwise, have been examined by the proper 622
court and adjudged legal; 623

(5) When the defendant is an occupier of lands or tenements, 624
without color of title, and the complainant has the right of 625
possession to them; 626

(6) In any other case of the unlawful and forcible detention 627
of lands or tenements. For purposes of this division, in addition 628
to any other type of unlawful and forcible detention of lands or 629
tenements, such a detention may be determined to exist when both 630
of the following apply: 631

(a) A tenant fails to vacate residential premises within 632
three days after both of the following occur: 633

(i) ~~His~~ The tenant's landlord has actual knowledge of or has 634
reasonable cause to believe that the tenant, any person in the 635
tenant's household, or any person on the premises with the consent 636
of the tenant previously has or presently is engaged in a 637
violation of Chapter 2925. or 3719. of the Revised Code, or of a 638
municipal ordinance that is substantially similar to any section 639
in either of those chapters, which involves a controlled substance 640
and which occurred in, is occurring in, or otherwise was or is 641
connected with the premises, whether or not the tenant or other 642
person has been charged with, has pleaded guilty to or been 643
convicted of, or has been determined to be a delinquent child for 644
an act that, if committed by an adult, would be a violation as 645
described in this division. For purposes of this division, a 646
landlord has "actual knowledge of or has reasonable cause to 647
believe" that a tenant, any person in the tenant's household, or 648
any person on the premises with the consent of the tenant 649
previously has or presently is engaged in a violation as described 650
in this division if a search warrant was issued pursuant to 651
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 652

affidavit presented to obtain the warrant named or described the 653
tenant or person as the individual to be searched and particularly 654
described the tenant's premises as the place to be searched, named 655
or described one or more controlled substances to be searched for 656
and seized, stated substantially the offense under Chapter 2925. 657
or 3719. of the Revised Code or the substantially similar 658
municipal ordinance that occurred in, is occurring in, or 659
otherwise was or is connected with the tenant's premises, and 660
states the factual basis for the affiant's belief that the 661
controlled substances are located on the tenant's premises; the 662
warrant was properly executed by a law enforcement officer and any 663
controlled substance described in the affidavit was found by that 664
officer during the search and seizure; and, subsequent to the 665
search and seizure, the landlord was informed by that or another 666
law enforcement officer of the fact that the tenant or person has 667
or presently is engaged in a violation as described in this 668
division and it occurred in, is occurring in, or otherwise was or 669
is connected with the tenant's premises. 670

(ii) The landlord gives the tenant the notice required by 671
division (C) of section 5321.17 of the Revised Code; 672

(b) The court determines, by a preponderance of the evidence, 673
that the tenant, any person in the tenant's household, or any 674
person on the premises with the consent of the tenant previously 675
has or presently is engaged in a violation as described in 676
division (A)(6)(a)(i) of this section. 677

(7) In cases arising out of Chapter 5313. of the Revised 678
Code. In such cases, the court has the authority to declare a 679
forfeiture of the vendee's rights under a land installment 680
contract and to grant any other claims arising out of the 681
contract. 682

(8) Against tenants who have breached an obligation that is 683
imposed by section 5321.05 of the Revised Code, other than the 684

obligation specified in division (A)(9) of that section, and that 685
materially affects health and safety. Prior to the commencement of 686
an action under this division, notice shall be given to the tenant 687
and compliance secured with section 5321.11 of the Revised Code. 688

(9) Against tenants who have breached an obligation imposed 689
upon them by a written rental agreement; 690

(10) Against manufactured home park residents who have 691
defaulted in the payment of rent or breached the terms of a rental 692
agreement with a manufactured home park operator; 693

(11) Against manufactured home park residents who have 694
committed two material violations of the rules of the manufactured 695
home park, of the public health council, or of applicable state 696
and local health and safety codes and who have been notified of 697
the violations in compliance with section 3733.13 of the Revised 698
Code. 699

(12) Against occupants of self-service storage facilities, as 700
defined in division (A) of section 5322.01 of the Revised Code, 701
who have breached the terms of a rental agreement or violated 702
section 5322.04 of the Revised Code; 703

(13) Against any resident or occupant who, pursuant to a 704
rental agreement, resides in or occupies residential premises 705
located within one thousand feet of any school premises and to 706
whom both of the following apply: 707

(a) The resident's or occupant's name appears on the state 708
registry of sex offenders and child-victim offenders maintained 709
under section 2950.13 of the Revised Code. 710

(b) The state registry of sex offenders and child-victim 711
offenders indicates that the resident or occupant was convicted of 712
or pleaded guilty to either a sexually oriented offense that is 713
not a registration-exempt sexually oriented offense or a 714
child-victim oriented offense in a criminal prosecution and was 715

not sentenced to a serious youthful offender dispositional 716
sentence for that offense. 717

(14) Against any tenant who permits any person to occupy 718
residential premises located within one thousand feet of any 719
school premises if both of the following apply to the person: 720

(a) The person's name appears on the state registry of sex 721
offenders and child-victim offenders maintained under section 722
2950.13 of the Revised Code. 723

(b) The state registry of sex offenders and child-victim 724
offenders indicates that the person was convicted of or pleaded 725
guilty to either a sexually oriented offense that is not a 726
registration-exempt sexually oriented offense or a child-victim 727
oriented offense in a criminal prosecution and was not sentenced 728
to a serious youthful offender dispositional sentence for that 729
offense. 730

(B) If a tenant or manufactured home park resident holding 731
under an oral tenancy is in default in the payment of rent, ~~he~~ the 732
tenant or resident forfeits ~~his~~ the right of occupancy, and the 733
landlord may, at ~~his~~ the landlord's option, terminate the tenancy 734
by notifying the tenant or resident, as provided in section 735
1923.04 of the Revised Code, to leave the premises, for the 736
restitution of which an action may then be brought under this 737
chapter. 738

(C)(1) If a tenant or any other person with the tenant's 739
permission resides in or occupies residential premises that are 740
located within one thousand feet of any school premises and is a 741
resident or occupant of the type described in division (A)(13) of 742
this section or a person of the type described in division (A)(14) 743
of this section, the landlord for those residential premises, upon 744
discovery that the tenant or other person is a resident, occupant, 745
or person of that nature, may terminate the rental agreement or 746

tenancy for those residential premises by notifying the tenant and 747
all other occupants, as provided in section 1923.04 of the Revised 748
Code, to leave the premises. 749

(2) If a landlord is authorized to terminate a rental 750
agreement or tenancy pursuant to division (C)(1) of this section 751
but does not so terminate the rental agreement or tenancy, the 752
landlord is not liable in a tort or other civil action in damages 753
for any injury, death, or loss to person or property that 754
allegedly result from that decision. 755

(D) This chapter does not apply to a student tenant as 756
defined by division (H) of section 5321.01 of the Revised Code 757
when the college or university proceeds to terminate a rental 758
agreement pursuant to section 5321.031 of the Revised Code. 759

Sec. 1923.051. (A) Notwithstanding the time-for-service of a 760
summons provision of division (A) of section 1923.06 of the 761
Revised Code, if the complaint described in section 1923.05 of the 762
Revised Code that is filed by a landlord in an action under this 763
chapter states that the landlord seeks a judgment of restitution 764
based on the grounds specified in divisions (A)(6)(a) and (b) of 765
section 1923.02 of the Revised Code, then the clerk of the 766
municipal court, county court, or court of common pleas in which 767
the complaint is filed shall cause both of the following to occur: 768

(1) The service and return of the summons in the action in 769
accordance with the Rules of Civil Procedure, which service shall 770
be made, if possible, within three working days after the filing 771
of the complaint; 772

(2) The action to be set for trial ~~on~~ not later than the 773
thirtieth ~~working~~ calendar day after the date that the tenant is 774
served with a copy of the summons in accordance with division 775
(A)(1) of this section. 776

(B) The tenant in an action under this chapter as described 777
in division (A) of this section is not required to file an answer 778
to the complaint of the landlord, and may present any defenses 779
that ~~he~~ the tenant may possess at the trial of the action in 780
accordance with section 1923.061 of the Revised Code. 781

(C) No continuances of an action under this chapter as 782
described in division (A) of this section shall be permitted under 783
section 1923.08 of the Revised Code, and if the tenant in the 784
action does not appear at the trial and the summons in the action 785
was properly served in accordance with division (A)(1) of this 786
section, then the court shall try the action in accordance with 787
section 1923.07 of the Revised Code. 788

(D) All provisions of this chapter that are not inconsistent 789
with this section shall apply to an action under this chapter as 790
described in division (A) of this section. 791

Sec. 2152.02. As used in this chapter: 792

(A) "Act charged" means the act that is identified in a 793
complaint, indictment, or information alleging that a child is a 794
delinquent child. 795

(B) "Admitted to a department of youth services facility" 796
includes admission to a facility operated, or contracted for, by 797
the department and admission to a comparable facility outside this 798
state by another state or the United States. 799

(C)(1) "Child" means a person who is under eighteen years of 800
age, except as otherwise provided in divisions (C)(2) to (6) of 801
this section. 802

(2) Subject to division (C)(3) of this section, any person 803
who violates a federal or state law or a municipal ordinance prior 804
to attaining eighteen years of age shall be deemed a "child" 805
irrespective of that person's age at the time the complaint with 806

respect to that violation is filed or the hearing on the complaint 807
is held. 808

(3) Any person who, while under eighteen years of age, 809
commits an act that would be a felony if committed by an adult and 810
who is not taken into custody or apprehended for that act until 811
after the person attains twenty-one years of age is not a child in 812
relation to that act. 813

(4) Any person whose case is transferred for criminal 814
prosecution pursuant to section 2152.12 of the Revised Code shall 815
be deemed after the transfer not to be a child in the transferred 816
case. 817

(5) Any person whose case is transferred for criminal 818
prosecution pursuant to section 2152.12 of the Revised Code and 819
who subsequently is convicted of or pleads guilty to a felony in 820
that case, and any person who is adjudicated a delinquent child 821
for the commission of an act, who has a serious youthful offender 822
dispositional sentence imposed for the act pursuant to section 823
2152.13 of the Revised Code, and whose adult portion of the 824
dispositional sentence is invoked pursuant to section 2152.14 of 825
the Revised Code, shall be deemed after the transfer or invocation 826
not to be a child in any case in which a complaint is filed 827
against the person. 828

(6) The juvenile court has jurisdiction over a person who is 829
adjudicated a delinquent child or juvenile traffic offender prior 830
to attaining eighteen years of age until the person attains 831
twenty-one years of age, and, for purposes of that jurisdiction 832
related to that adjudication, a person who is so adjudicated a 833
delinquent child or juvenile traffic offender shall be deemed a 834
"child" until the person attains twenty-one years of age. 835

(D) "Chronic truant" means any child of compulsory school age 836
who is absent without legitimate excuse for absence from the 837

public school the child is supposed to attend for seven or more 838
consecutive school days, ten or more school days in one school 839
month, or fifteen or more school days in a school year. 840

(E) "Community corrections facility," "public safety beds," 841
"release authority," and "supervised release" have the same 842
meanings as in section 5139.01 of the Revised Code. 843

(F) "Delinquent child" includes any of the following: 844

(1) Any child, except a juvenile traffic offender, who 845
violates any law of this state or the United States, or any 846
ordinance of a political subdivision of the state, that would be 847
an offense if committed by an adult; 848

(2) Any child who violates any lawful order of the court made 849
under this chapter or under Chapter 2151. of the Revised Code 850
other than an order issued under section 2151.87 of the Revised 851
Code; 852

(3) Any child who violates division (A) of section 2923.211 853
of the Revised Code; 854

(4) Any child who is a habitual truant and who previously has 855
been adjudicated an unruly child for being a habitual truant; 856

(5) Any child who is a chronic truant. 857

(G) "Discretionary serious youthful offender" means a person 858
who is eligible for a discretionary SYO and who is not transferred 859
to adult court under a mandatory or discretionary transfer. 860

(H) "Discretionary SYO" means a case in which the juvenile 861
court, in the juvenile court's discretion, may impose a serious 862
youthful offender disposition under section 2152.13 of the Revised 863
Code. 864

(I) "Discretionary transfer" means that the juvenile court 865
has discretion to transfer a case for criminal prosecution under 866
division (B) of section 2152.12 of the Revised Code. 867

(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.

(K) "Electronic monitoring device," "certified electronic monitoring device," "electronically monitored house arrest," "electronic monitoring system," and "certified electronic monitoring system" have the same meanings as in section 2929.23 of the Revised Code.

(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act as a result of the delinquent act and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act.

(M) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code.

(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code.

(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer.

(Q) "Mandatory SYO" means a case in which the juvenile court 898
is required to impose a mandatory serious youthful offender 899
disposition under section 2152.13 of the Revised Code. 900

(R) "Mandatory transfer" means that a case is required to be 901
transferred for criminal prosecution under division (A) of section 902
2152.12 of the Revised Code. 903

(S) "Mental illness" has the same meaning as in section 904
5122.01 of the Revised Code. 905

(T) "Mentally retarded person" has the same meaning as in 906
section 5123.01 of the Revised Code. 907

(U) "Monitored time" and "repeat violent offender" have the 908
same meanings as in section 2929.01 of the Revised Code. 909

(V) "Of compulsory school age" has the same meaning as in 910
section 3321.01 of the Revised Code. 911

(W) "Public record" has the same meaning as in section 149.43 912
of the Revised Code. 913

(X) "Serious youthful offender" means a person who is 914
eligible for a mandatory SYO or discretionary SYO but who is not 915
transferred to adult court under a mandatory or discretionary 916
transfer. 917

(Y) "Sexually oriented offense," "habitual sex offender," 918
"juvenile ~~sex~~ offender registrant," ~~and~~ "sexual predator," 919
"presumptive registration-exempt sexually oriented offense," 920
"registration-exempt sexually oriented offense," "child-victim 921
oriented offense," "habitual child-victim offender," and 922
"child-victim predator" have the same meanings as in section 923
2950.01 of the Revised Code. 924

(Z) "Traditional juvenile" means a case that is not 925
transferred to adult court under a mandatory or discretionary 926
transfer, that is eligible for a disposition under sections 927

2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 928
that is not eligible for a disposition under section 2152.13 of 929
the Revised Code. 930

(AA) "Transfer" means the transfer for criminal prosecution 931
of a case involving the alleged commission by a child of an act 932
that would be an offense if committed by an adult from the 933
juvenile court to the appropriate court that has jurisdiction of 934
the offense. 935

(BB) "Category one offense" means any of the following: 936

(1) A violation of section 2903.01 or 2903.02 of the Revised 937
Code; 938

(2) A violation of section 2923.02 of the Revised Code 939
involving an attempt to commit aggravated murder or murder. 940

(CC) "Category two offense" means any of the following: 941

(1) A violation of section 2903.03, 2905.01, 2907.02, 942
2909.02, 2911.01, or 2911.11 of the Revised Code; 943

(2) A violation of section 2903.04 of the Revised Code that 944
is a felony of the first degree; 945

(3) A violation of section 2907.12 of the Revised Code as it 946
existed prior to September 3, 1996. 947

Sec. 2152.19. (A) If a child is adjudicated a delinquent 948
child, the court may make any of the following orders of 949
disposition, in addition to any other disposition authorized or 950
required by this chapter: 951

(1) Any order that is authorized by section 2151.353 of the 952
Revised Code for the care and protection of an abused, neglected, 953
or dependent child; 954

(2) Commit the child to the temporary custody of any school, 955
camp, institution, or other facility operated for the care of 956

delinquent children by the county, by a district organized under 957
section 2152.41 or 2151.65 of the Revised Code, or by a private 958
agency or organization, within or without the state, that is 959
authorized and qualified to provide the care, treatment, or 960
placement required; 961

(3) Place the child on community control under any sanctions, 962
services, and conditions that the court prescribes. As a condition 963
of community control in every case and in addition to any other 964
condition that it imposes upon the child, the court shall require 965
the child to abide by the law during the period of community 966
control. As referred to in this division, community control 967
includes, but is not limited to, the following sanctions and 968
conditions: 969

(a) A period of basic probation supervision in which the 970
child is required to maintain contact with a person appointed to 971
supervise the child in accordance with sanctions imposed by the 972
court; 973

(b) A period of intensive probation supervision in which the 974
child is required to maintain frequent contact with a person 975
appointed by the court to supervise the child while the child is 976
seeking or maintaining employment and participating in training, 977
education, and treatment programs as the order of disposition; 978

(c) A period of day reporting in which the child is required 979
each day to report to and leave a center or another approved 980
reporting location at specified times in order to participate in 981
work, education or training, treatment, and other approved 982
programs at the center or outside the center; 983

(d) A period of community service of up to five hundred hours 984
for an act that would be a felony or a misdemeanor of the first 985
degree if committed by an adult, up to two hundred hours for an 986
act that would be a misdemeanor of the second, third, or fourth 987

degree if committed by an adult, or up to thirty hours for an act	988
that would be a minor misdemeanor if committed by an adult;	989
(e) A requirement that the child obtain a high school	990
diploma, a certificate of high school equivalence, vocational	991
training, or employment;	992
(f) A period of drug and alcohol use monitoring;	993
(g) A requirement of alcohol or drug assessment or	994
counseling, or a period in an alcohol or drug treatment program	995
with a level of security for the child as determined necessary by	996
the court;	997
(h) A period in which the court orders the child to observe a	998
curfew that may involve daytime or evening hours;	999
(i) A requirement that the child serve monitored time;	1000
(j) A period of house arrest with or without electronic	1001
monitoring;	1002
(k) A period of electronic monitoring without house arrest or	1003
electronically monitored house arrest that does not exceed the	1004
maximum sentence of imprisonment that could be imposed upon an	1005
adult who commits the same act.	1006
A period of electronically monitored house arrest imposed	1007
under this division shall not extend beyond the child's	1008
twenty-first birthday. If a court imposes a period of	1009
electronically monitored house arrest upon a child under this	1010
division, it shall require the child: to wear, otherwise have	1011
attached to the child's person, or otherwise be subject to	1012
monitoring by a certified electronic monitoring device or to	1013
participate in the operation of and monitoring by a certified	1014
electronic monitoring system; to remain in the child's home or	1015
other specified premises for the entire period of electronically	1016
monitored house arrest except when the court permits the child to	1017

leave those premises to go to school or to other specified 1018
premises; to be monitored by a central system that can determine 1019
the child's location at designated times; to report periodically 1020
to a person designated by the court; and to enter into a written 1021
contract with the court agreeing to comply with all requirements 1022
imposed by the court, agreeing to pay any fee imposed by the court 1023
for the costs of the electronically monitored house arrest, and 1024
agreeing to waive the right to receive credit for any time served 1025
on electronically monitored house arrest toward the period of any 1026
other dispositional order imposed upon the child if the child 1027
violates any of the requirements of the dispositional order of 1028
electronically monitored house arrest. The court also may impose 1029
other reasonable requirements upon the child. 1030

Unless ordered by the court, a child shall not receive credit 1031
for any time served on electronically monitored house arrest 1032
toward any other dispositional order imposed upon the child for 1033
the act for which was imposed the dispositional order of 1034
electronically monitored house arrest. 1035

(1) A suspension of the driver's license, probationary 1036
driver's license, or temporary instruction permit issued to the 1037
child or a suspension of the registration of all motor vehicles 1038
registered in the name of the child. A child whose license or 1039
permit is so suspended is ineligible for issuance of a license or 1040
permit during the period of suspension. At the end of the period 1041
of suspension, the child shall not be reissued a license or permit 1042
until the child has paid any applicable reinstatement fee and 1043
complied with all requirements governing license reinstatement. 1044

(4) Commit the child to the custody of the court; 1045

(5) Require the child to not be absent without legitimate 1046
excuse from the public school the child is supposed to attend for 1047
five or more consecutive days, seven or more school days in one 1048
school month, or twelve or more school days in a school year; 1049

(6)(a) If a child is adjudicated a delinquent child for being 1050
a chronic truant or an habitual truant who previously has been 1051
adjudicated an unruly child for being a habitual truant, do either 1052
or both of the following: 1053

(i) Require the child to participate in a truancy prevention 1054
mediation program; 1055

(ii) Make any order of disposition as authorized by this 1056
section, except that the court shall not commit the child to a 1057
facility described in division (A)(2) of this section unless the 1058
court determines that the child violated a lawful court order made 1059
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 1060
Code or division (A)(5) of this section. 1061

(b) If a child is adjudicated a delinquent child for being a 1062
chronic truant or a habitual truant who previously has been 1063
adjudicated an unruly child for being a habitual truant and the 1064
court determines that the parent, guardian, or other person having 1065
care of the child has failed to cause the child's attendance at 1066
school in violation of section 3321.38 of the Revised Code, do 1067
either or both of the following: 1068

(i) Require the parent, guardian, or other person having care 1069
of the child to participate in a truancy prevention mediation 1070
program; 1071

(ii) Require the parent, guardian, or other person having 1072
care of the child to participate in any community service program, 1073
preferably a community service program that requires the 1074
involvement of the parent, guardian, or other person having care 1075
of the child in the school attended by the child. 1076

(7) Make any further disposition that the court finds proper, 1077
except that the child shall not be placed in any of the following: 1078

(a) A state correctional institution, a county, multicounty, 1079

or municipal jail or workhouse, or another place in which an adult 1080
convicted of a crime, under arrest, or charged with a crime is 1081
held; 1082

(b) A community corrections facility, if the child would be 1083
covered by the definition of public safety beds for purposes of 1084
sections 5139.41 to 5139.45 of the Revised Code if the court 1085
exercised its authority to commit the child to the legal custody 1086
of the department of youth services for institutionalization or 1087
institutionalization in a secure facility pursuant to this 1088
chapter. 1089

(B) If a child is adjudicated a delinquent child, in addition 1090
to any order of disposition made under division (A) of this 1091
section, the court, in the following situations, shall suspend the 1092
child's temporary instruction permit, restricted license, 1093
probationary driver's license, or nonresident operating privilege, 1094
or suspend the child's ability to obtain such a permit: 1095

(1) The child is adjudicated a delinquent child for violating 1096
section 2923.122 of the Revised Code, with the suspension and 1097
denial being in accordance with division (E)(1)(a), (c), (d), or 1098
(e) of section 2923.122 of the Revised Code. 1099

(2) The child is adjudicated a delinquent child for 1100
committing an act that if committed by an adult would be a drug 1101
abuse offense or for violating division (B) of section 2917.11 of 1102
the Revised Code, with the suspension continuing until the child 1103
attends and satisfactorily completes a drug abuse or alcohol abuse 1104
education, intervention, or treatment program specified by the 1105
court. During the time the child is attending the program, the 1106
court shall retain any temporary instruction permit, probationary 1107
driver's license, or driver's license issued to the child, and the 1108
court shall return the permit or license when the child 1109
satisfactorily completes the program. 1110

(C) The court may establish a victim-offender mediation 1111
program in which victims and their offenders meet to discuss the 1112
offense and suggest possible restitution. If the court obtains the 1113
assent of the victim of the delinquent act committed by the child, 1114
the court may require the child to participate in the program. 1115

(D)(1) If a child is adjudicated a delinquent child for 1116
committing an act that would be a felony if committed by an adult 1117
and if the child caused, attempted to cause, threatened to cause, 1118
or created a risk of physical harm to the victim of the act, the 1119
court, prior to issuing an order of disposition under this 1120
section, shall order the preparation of a victim impact statement 1121
by the probation department of the county in which the victim of 1122
the act resides, by the court's own probation department, or by a 1123
victim assistance program that is operated by the state, a county, 1124
a municipal corporation, or another governmental entity. The court 1125
shall consider the victim impact statement in determining the 1126
order of disposition to issue for the child. 1127

(2) Each victim impact statement shall identify the victim of 1128
the act for which the child was adjudicated a delinquent child, 1129
itemize any economic loss suffered by the victim as a result of 1130
the act, identify any physical injury suffered by the victim as a 1131
result of the act and the seriousness and permanence of the 1132
injury, identify any change in the victim's personal welfare or 1133
familial relationships as a result of the act and any 1134
psychological impact experienced by the victim or the victim's 1135
family as a result of the act, and contain any other information 1136
related to the impact of the act upon the victim that the court 1137
requires. 1138

(3) A victim impact statement shall be kept confidential and 1139
is not a public record. However, the court may furnish copies of 1140
the statement to the department of youth services if the 1141
delinquent child is committed to the department or to both the 1142

adjudicated delinquent child or the adjudicated delinquent child's 1143
counsel and the prosecuting attorney. The copy of a victim impact 1144
statement furnished by the court to the department pursuant to 1145
this section shall be kept confidential and is not a public 1146
record. If an officer is preparing pursuant to section 2947.06 or 1147
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1148
investigation report pertaining to a person, the court shall make 1149
available to the officer, for use in preparing the report, a copy 1150
of any victim impact statement regarding that person. The copies 1151
of a victim impact statement that are made available to the 1152
adjudicated delinquent child or the adjudicated delinquent child's 1153
counsel and the prosecuting attorney pursuant to this division 1154
shall be returned to the court by the person to whom they were 1155
made available immediately following the imposition of an order of 1156
disposition for the child under this chapter. 1157

The copy of a victim impact statement that is made available 1158
pursuant to this division to an officer preparing a criminal 1159
presentence investigation report shall be returned to the court by 1160
the officer immediately following its use in preparing the report. 1161

(4) The department of youth services shall work with local 1162
probation departments and victim assistance programs to develop a 1163
standard victim impact statement. 1164

(E) If a child is adjudicated a delinquent child for being a 1165
chronic truant or an habitual truant who previously has been 1166
adjudicated an unruly child for being an habitual truant and the 1167
court determines that the parent, guardian, or other person having 1168
care of the child has failed to cause the child's attendance at 1169
school in violation of section 3321.38 of the Revised Code, in 1170
addition to any order of disposition it makes under this section, 1171
the court shall warn the parent, guardian, or other person having 1172
care of the child that any subsequent adjudication of the child as 1173
an unruly or delinquent child for being an habitual or chronic 1174

truant may result in a criminal charge against the parent, 1175
guardian, or other person having care of the child for a violation 1176
of division (C) of section 2919.21 or section 2919.24 of the 1177
Revised Code. 1178

(F)(1) During the period of a delinquent child's community 1179
control granted under this section, authorized probation officers 1180
who are engaged within the scope of their supervisory duties or 1181
responsibilities may search, with or without a warrant, the person 1182
of the delinquent child, the place of residence of the delinquent 1183
child, and a motor vehicle, another item of tangible or intangible 1184
personal property, or other real property in which the delinquent 1185
child has a right, title, or interest or for which the delinquent 1186
child has the express or implied permission of a person with a 1187
right, title, or interest to use, occupy, or possess if the 1188
probation officers have reasonable grounds to believe that the 1189
delinquent child is not abiding by the law or otherwise is not 1190
complying with the conditions of the delinquent child's community 1191
control. The court that places a delinquent child on community 1192
control under this section shall provide the delinquent child with 1193
a written notice that informs the delinquent child that authorized 1194
probation officers who are engaged within the scope of their 1195
supervisory duties or responsibilities may conduct those types of 1196
searches during the period of community control if they have 1197
reasonable grounds to believe that the delinquent child is not 1198
abiding by the law or otherwise is not complying with the 1199
conditions of the delinquent child's community control. The court 1200
also shall provide the written notice described in division (E)(2) 1201
of this section to each parent, guardian, or custodian of the 1202
delinquent child who is described in that division. 1203

(2) The court that places a child on community control under 1204
this section shall provide the child's parent, guardian, or other 1205
custodian with a written notice that informs them that authorized 1206

probation officers may conduct searches pursuant to division 1207
(E)(1) of this section. The notice shall specifically state that a 1208
permissible search might extend to a motor vehicle, another item 1209
of tangible or intangible personal property, or a place of 1210
residence or other real property in which a notified parent, 1211
guardian, or custodian has a right, title, or interest and that 1212
the parent, guardian, or custodian expressly or impliedly permits 1213
the child to use, occupy, or possess. 1214

(G) If a juvenile court commits a delinquent child to the 1215
custody of any person, organization, or entity pursuant to this 1216
section and if the delinquent act for which the child is so 1217
committed is a sexually oriented offense that is not a 1218
registration-exempt sexually oriented offense or is a child-victim 1219
oriented offense, the court in the order of disposition shall do 1220
one of the following: 1221

(1) Require that the child be provided treatment as described 1222
in division (A)(2) of section 5139.13 of the Revised Code; 1223

(2) Inform the person, organization, or entity that it is the 1224
preferred course of action in this state that the child be 1225
provided treatment as described in division (A)(2) of section 1226
5139.13 of the Revised Code and encourage the person, 1227
organization, or entity to provide that treatment. 1228

Sec. 2152.191. If a child is adjudicated a delinquent child 1229
for committing a sexually oriented offense that is not a 1230
registration-exempt sexually oriented offense or for committing a 1231
child-victim oriented offense, if the child is fourteen years of 1232
age or older at the time of committing the offense, and if the 1233
child committed the offense on or after ~~the effective date of this~~ 1234
~~section, all January 1, 2002, both~~ of the following apply: 1235

(A) Sections 2152.82 to 2152.85 and Chapter 2950. of the 1236
Revised Code apply to the child and the adjudication. 1237

(B) In addition to any order of disposition it makes of the child under this chapter, the court may make any determination, adjudication, or order authorized under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code and shall make any determination, adjudication, or order required under those sections and that chapter.

Sec. 2152.811. If a court adjudicates a child a delinquent child for committing a presumptive registration-exempt sexually oriented offense, the court may determine pursuant to section 2950.021 of the Revised Code, prior to making an order of disposition for the child, that the child potentially should be subjected to classification as a juvenile offender registrant under sections 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to registration under section 2950.04 of the Revised Code and all other duties and responsibilities generally imposed under Chapter 2950. of the Revised Code upon persons who are adjudicated delinquent children for committing a sexually oriented offense other than a presumptive registration-exempt sexually oriented offense. If the court so determines, divisions (B)(1) and (3) of section 2950.021 of the Revised Code apply, and the court shall proceed as described in those divisions.

Sec. 2152.82. (A) The court that adjudicates a child a delinquent child shall issue as part of the dispositional order an order that classifies the child a juvenile ~~sex~~ offender registrant and specifies that the child has a duty to ~~register under section~~ comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if all of the following apply:

(1) The act for which the child is adjudicated a delinquent child is a sexually oriented offense that is not a registration-exempt sexually oriented offense or is a child-victim

oriented offense that the child committed on or after January 1, 1268
2002. 1269

(2) The child was fourteen, fifteen, sixteen, or seventeen 1270
years of age at the time of committing the offense. 1271

(3) The court has determined that the child previously was 1272
convicted of, pleaded guilty to, or was adjudicated a delinquent 1273
child for committing any sexually oriented offense or child-victim 1274
oriented offense, regardless of when the prior offense was 1275
committed and regardless of the child's age at the time of 1276
committing the offense. 1277

(B) An order required under division (A) of this section 1278
shall be issued at the time the judge makes the orders of 1279
disposition for the delinquent child. Prior to issuing the order 1280
required by division (A) of this section, the judge shall conduct 1281
the hearing and make the determinations required by division (B) 1282
of section 2950.09 of the Revised Code regarding a sexually 1283
oriented offense that is not a registration-exempt sexually 1284
oriented offense or division (B) of section 2950.091 of the 1285
Revised Code regarding a child-victim oriented offense to 1286
determine if the child is to be classified a sexual predator or a 1287
child-victim predator, shall make the determinations required by 1288
division (E) of ~~that~~ section 2950.09 of the Revised Code regarding 1289
a sexually oriented offense that is not a registration-exempt 1290
sexually oriented offense or division (E) of section 2950.091 of 1291
the Revised Code regarding a child-victim oriented offense to 1292
determine if the child is to be classified a habitual sex offender 1293
or a habitual child-victim offender, and shall otherwise comply 1294
with those divisions. When a judge issues an order under division 1295
(A) of this section, all of the following apply: 1296

(1) The judge shall include in the order any determination 1297
that the delinquent child is, or is not, a sexual predator or 1298
child-victim predator or is, or is not, a habitual sex offender or 1299

habitual child-victim offender that the judge makes pursuant to 1300
division (B) or (E) of section 2950.09 or 2950.091 of the Revised 1301
Code and any related information required or authorized under the 1302
division under which the determination is made, including, but not 1303
limited to, any requirement imposed by the court subjecting a 1304
child who is a habitual sex offender or habitual child-victim
offender to community notification provisions as described in 1305
division (E) of ~~that~~ section 2950.09 or 2950.091 of the Revised 1306
Code. 1307
1308

(2) The judge shall include in the order a statement that, 1309
upon completion of the disposition of the delinquent child that 1310
was made for the sexually oriented offense or child-victim
oriented offense upon which the order is based, a hearing will be 1311
conducted, and the order and any determinations included in the 1312
order are subject to modification or termination pursuant to 1313
sections 2152.84 and 2152.85 of the Revised Code. 1314
1315

(3) The judge shall provide ~~a copy of the order~~ to the 1316
delinquent child and to the delinquent child's parent, guardian,
or custodian, ~~as part of the notice provided~~ required under 1317
divisions (A) and (B) of section 2950.03 of the Revised Code and
shall provide as part of that notice a copy of the order. 1318
1319
1320

(4) The judge shall include the order in the delinquent 1321
child's dispositional order and shall specify in the dispositional 1322
order that the order issued under division (A) of this section was 1323
made pursuant to this section. 1324

(C) An order issued under division (A) of this section and 1325
any determinations included in the order shall remain in effect 1326
for the period of time specified in section 2950.07 of the Revised 1327
Code, subject to a modification or termination of the order under 1328
section 2152.84 or 2152.85 of the Revised Code, and section
2152.851 of the Revised Code applies regarding the order and the
determinations. If an order is issued under division (A) of this 1329
1330
1331

section, the child's attainment of eighteen or twenty-one years of 1332
age does not affect or terminate the order, and the order remains 1333
in effect for the period of time described in this division. 1334

(D) A court that adjudicates a child a delinquent child for a 1335
sexually oriented offense that is a registration-exempt sexually 1336
oriented offense shall not issue based on that adjudication an 1337
order under this section that classifies the child a juvenile 1338
offender registrant and specifies that the child has a duty to 1339
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1340
the Revised Code. 1341

Sec. 2152.83. (A)(1) The court that adjudicates a child a 1342
delinquent child shall issue as part of the dispositional order 1343
or, if the court commits the child for the delinquent act to the 1344
custody of a secure facility, shall issue at the time of the 1345
child's release from the secure facility, an order that classifies 1346
the child a juvenile ~~sex~~ offender registrant and specifies that 1347
the child has a duty to ~~register under section~~ comply with 1348
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1349
Code if all of the following apply: 1350

(a) The act for which the child is or was adjudicated a 1351
delinquent child is a sexually oriented offense that is not a 1352
registration-exempt sexually oriented offense or is a child-victim 1353
oriented offense that the child committed on or after January 1, 1354
2002. 1355

(b) The child was sixteen or seventeen years of age at the 1356
time of committing the offense. 1357

(c) The court was not required to classify the child a 1358
juvenile ~~sex~~ offender registrant under section 2152.82 of the 1359
Revised Code. 1360

(2) Prior to issuing the order required by division (A)(2) of 1361

this section, the judge shall conduct the hearing and make the 1362
determinations required by division (B) of section 2950.09 of the 1363
Revised Code regarding a sexually oriented offense that is not a 1364
registration-exempt sexually oriented offense or division (B) of 1365
section 2950.091 of the Revised Code regarding a child-victim 1366
oriented offense to determine if the child is to be classified ~~as~~ 1367
a sexual predator or a child-victim predator, shall make the 1368
determinations required by division (E) of ~~that~~ section 2950.09 of 1369
the Revised Code regarding a sexually oriented offense that is not 1370
a registration-exempt sexually oriented offense or division (E) of 1371
section 2950.091 of the Revised Code regarding a child-victim 1372
oriented offense to determine if the child is to be classified ~~as~~ 1373
a habitual sex offender or a habitual child-victim offender, and 1374
shall otherwise comply with those divisions. When a judge issues 1375
an order under division (A)(1) of this section, the judge shall 1376
include in the order all of the determinations and information 1377
identified in division (B)(1) of section 2152.82 of the Revised 1378
Code that are relevant. 1379

(B)(1) The court that adjudicates a child a delinquent child, 1380
on the judge's own motion, may conduct at the time of disposition 1381
of the child or, if the court commits the child for the delinquent 1382
act to the custody of a secure facility, may conduct at the time 1383
of the child's release from the secure facility, a hearing for the 1384
purposes described in division (B)(2) of this section if all of 1385
the following apply: 1386

(a) The act for which the child is adjudicated a delinquent 1387
child is a sexually oriented offense that is not a 1388
registration-exempt sexually oriented offense or is a child-victim 1389
oriented offense that the child committed on or after January 1, 1390
2002. 1391

(b) The child was fourteen or fifteen years of age at the 1392
time of committing the offense. 1393

(c) The court was not required to classify the child a 1394
juvenile ~~sex~~ offender registrant under section 2152.82 of the 1395
Revised Code. 1396

(2) A judge shall conduct a hearing under division (B)(1) of 1397
this section to review the effectiveness of the disposition made 1398
of the child and of any treatment provided for the child placed in 1399
a secure setting and to determine whether the child should be 1400
classified a juvenile ~~sex~~ offender registrant. The judge may 1401
conduct the hearing on the judge's own initiative or based upon a 1402
recommendation of an officer or employee of the department of 1403
youth services, a probation officer, an employee of the court, or 1404
a prosecutor or law enforcement officer. If the judge conducts the 1405
hearing, upon completion of the hearing, the judge, in the judge's 1406
discretion and after consideration of the factors listed in 1407
division (E) of this section, shall do either of the following: 1408

(a) Decline to issue an order that classifies the child a 1409
juvenile ~~sex~~ offender registrant and specifies that the child has 1410
a duty to ~~register under section~~ comply with sections 2950.04, 1411
2950.041, 2950.05, and 2950.06 of the Revised Code; 1412

(b) Issue an order that classifies the child a juvenile ~~sex~~ 1413
offender registrant and specifies that the child has a duty to 1414
~~register under section~~ comply with sections 2950.04, 2950.041, 1415
2950.05, and 2950.06 of the Revised Code and, if the judge 1416
~~determines~~ conducts a hearing as described in division (C) of this 1417
section ~~that~~ to determine whether the child is a sexual predator 1418
or child-victim predator or a habitual sex offender or habitual 1419
child-victim offender, include in the order a statement that the 1420
judge has determined that the child is, or is not, a sexual 1421
predator ~~or a~~, child-victim predator, habitual sex offender, or 1422
habitual child-victim offender, whichever is applicable. 1423

(C) A judge may issue an order under division (B) of this 1424

section that contains a determination that a delinquent child is a 1425
sexual predator or child-victim predator only if the judge, in 1426
accordance with the procedures specified in division (B) of 1427
section 2950.09 of the Revised Code regarding sexual predators or 1428
division (B) of section 2950.091 of the Revised Code regarding 1429
child-victim predators, determines at the hearing by clear and 1430
convincing evidence that the child is a sexual predator or a 1431
child-victim predator. A judge may issue an order under division 1432
(B) of this section that contains a determination that a 1433
delinquent child is a habitual sex offender or a habitual 1434
child-victim offender only if the judge at the hearing determines 1435
as described in division (E) of section 2950.09 of the Revised 1436
Code regarding habitual sex offenders or division (E) of section 1437
2950.091 of the Revised Code regarding habitual child-victim 1438
offenders that the child is a habitual sex offender or a habitual 1439
child-victim offender. If the judge issues an order under division 1440
(B) of this section that contains a determination that a 1441
delinquent child is a habitual sex offender or a habitual 1442
child-victim offender, the judge may impose a requirement 1443
subjecting the child to community notification provisions as 1444
described in division (E) of section 2950.09 or 2950.091 of the 1445
Revised Code, whichever is applicable. If the court conducts a 1446
hearing as described in this division to determine whether the 1447
child is a sexual predator or child-victim predator or a habitual 1448
sex offender or habitual child-victim offender, the judge shall 1449
comply with division (B) or (E) of section 2950.09 or 2950.091 of 1450
the Revised Code, whichever is applicable, in all regards. 1451

(D) If a judge issues an order under division (A) or (B) of 1452
this section, the judge shall provide to the delinquent child and 1453
to the delinquent child's parent, guardian, or custodian a copy of 1454
the order and a notice containing the information described in 1455
divisions (A) and (B) of section 2950.03 of the Revised Code. The 1456
judge shall provide the notice at the time of the issuance of the 1457

order, ~~shall provide the notice as described in division (B)(1)(c)~~ 1458
~~of that section,~~ and shall comply with divisions (B)(1), (B)(2), 1459
and (C) of that section regarding that notice and the provision of 1460
it. 1461

The judge also shall include in the order a statement that, 1462
upon completion of the disposition of the delinquent child that 1463
was made for the sexually oriented offense or child-victim 1464
oriented offense upon which the order is based, a hearing will be 1465
conducted and the order is subject to modification or termination 1466
pursuant to section 2152.84 of the Revised Code. 1467

(E) In making a decision under division (B) of this section 1468
as to whether a delinquent child should be classified a juvenile 1469
~~sex~~ offender registrant and, if so, whether the child also is a 1470
sexual predator or child-victim predator or a habitual sex 1471
offender or habitual child-victim offender, a judge shall consider 1472
all relevant factors, including, but not limited to, all of the 1473
following: 1474

(1) The nature of the sexually oriented offense that is not a 1475
registration-exempt sexually oriented offense or the child-victim 1476
oriented offense committed by the child; 1477

(2) Whether the child has shown any genuine remorse or 1478
compunction for the offense; 1479

(3) The public interest and safety; 1480

(4) The factors set forth in division (B)(3) of section 1481
2950.09 or 2950.091 of the Revised Code, whichever is applicable; 1482

(5) The factors set forth in divisions (B) and (C) of section 1483
2929.12 of the Revised Code as those factors apply regarding the 1484
delinquent child, the offense, and the victim; 1485

(6) The results of any treatment provided to the child and of 1486
any follow-up professional assessment of the child. 1487

(F) An order issued under division (A) or (B) of this section 1488
and any determinations included in the order shall remain in 1489
effect for the period of time specified in section 2950.07 of the 1490
Revised Code, subject to a modification or termination of the 1491
order under section 2152.84 of the Revised Code, and section 1492
2152.851 of the Revised Code applies regarding the order and the 1493
determinations. The child's attainment of eighteen or twenty-one 1494
years of age does not affect or terminate the order, and the order 1495
remains in effect for the period of time described in this 1496
division. 1497

(G) A court that adjudicates a child a delinquent child for a 1498
sexually oriented offense that is a registration-exempt sexually 1499
oriented offense shall not issue based on that adjudication an 1500
order under this section that classifies the child a juvenile 1501
offender registrant and specifies that the child has a duty to 1502
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1503
the Revised Code. 1504

(H) As used in the section, "secure facility" has the same 1505
meaning as in section 2950.01 of the Revised Code. 1506

Sec. 2152.84. (A)(1) When a juvenile court judge issues an 1507
order under section 2152.82 or division (A) or (B) of section 1508
2152.83 of the Revised Code that classifies a delinquent child a 1509
juvenile ~~sex~~ offender registrant and specifies that the child has 1510
a duty to ~~register under section~~ comply with sections 2950.04, 1511
2950.041, 2950.05, and 2950.06 of the Revised Code, upon 1512
completion of the disposition of that child made for the sexually 1513
oriented offense that is not a registration-exempt sexually 1514
oriented offense or the child-victim oriented offense on which the 1515
juvenile ~~sex~~ offender registrant order was based, the judge or the 1516
judge's successor in office shall conduct a hearing to review the 1517
effectiveness of the disposition and of any treatment provided for 1518

the child, to determine the risks that the child might re-offend, 1519
and to determine whether the prior classification of the child as 1520
a juvenile ~~sex~~ offender registrant and, if applicable, as a sexual 1521
predator or child-victim predator or as a habitual sex offender or 1522
habitual child-victim offender should be continued, modified, or 1523
terminated as provided under division (A)(2) of this section. 1524

(2) Upon completion of a hearing under division (A)(1) of 1525
this section, the judge, in the judge's discretion and after 1526
consideration of the factors listed in division (E) of section 1527
2152.83 of the Revised Code, shall do one of the following, as 1528
applicable: 1529

(a) Enter an order that continues the classification of the 1530
delinquent child made in the prior order issued under section 1531
2152.82 or division (A) or (B) of section 2152.83 of the Revised 1532
Code, and any sexual predator ~~or~~, child-victim predator, habitual 1533
sex offender, or habitual child-victim offender determination 1534
included in the order; 1535

(b) If the prior order was issued under section 2152.82 or 1536
division (A) of section 2152.83 of the Revised Code and includes a 1537
determination by the judge that the delinquent child is a sexual 1538
predator or child-victim predator, enter, as applicable, an order 1539
that contains a determination that the ~~delinquent~~ child no longer 1540
is a sexual predator, the reason or reasons for that 1541
determination, and ~~that also contains~~ either a determination that 1542
the ~~delinquent~~ child is a habitual sex offender or a determination 1543
that the ~~delinquent~~ child remains a juvenile ~~sex~~ offender 1544
registrant but is not a sexual predator or habitual sex offender, 1545
or an order that contains a determination that the child no longer 1546
is a child-victim predator, the reason or reasons for that 1547
determination, and either a determination that the child is a 1548
habitual child-victim offender or a determination that the child 1549
remains a juvenile offender registrant but is not a child-victim 1550

predator or habitual child-victim offender; 1551

(c) If the prior order was issued under section 2152.82 or 1552
division (A) of section 2152.83 of the Revised Code and does not 1553
include a sexual predator or child-victim predator determination 1554
as described in division (A)(2)(b) of this section but includes a 1555
determination by the judge that the delinquent child is a habitual 1556
sex offender or a habitual child-victim offender, enter, as 1557
applicable, an order that contains a determination that the 1558
~~delinquent~~ child no longer is a habitual sex offender and ~~that~~ 1559
~~also contains~~ a determination that the ~~delinquent~~ child remains a 1560
juvenile sex offender registrant but is not a habitual ~~sex~~ 1561
offender, or an order that contains a determination that the child 1562
no longer is a habitual child-victim offender and a determination 1563
that the child remains a juvenile offender registrant but is not a 1564
habitual child-victim offender; 1565

(d) If the prior order was issued under division (B) of 1566
section 2152.83 of the Revised Code and includes a determination 1567
by the judge that the delinquent child is a sexual predator or 1568
child-victim predator, enter, as applicable, an order that 1569
contains a determination that the ~~delinquent~~ child no longer is a 1570
sexual predator, the reason or reasons for that determination, and 1571
~~that also contains either~~ a determination that the ~~delinquent~~ 1572
child is a habitual sex offender, a determination that the 1573
~~delinquent~~ child remains a juvenile ~~sex~~ offender registrant but is 1574
not a sexual predator or habitual sex offender, or a determination 1575
that ~~specifies that~~ the ~~delinquent~~ child no longer is a juvenile 1576
~~sex~~ offender registrant and no longer has a duty to ~~register under~~ 1577
~~section~~ comply with sections 2950.04, 2950.05, and 2950.06 of the 1578
Revised Code, or an order that contains a determination that the 1579
child no longer is a child-victim predator, the reason or reasons 1580
for that determination, and either a determination that the child 1581
is a habitual child-victim offender, a determination that the 1582

child remains a juvenile offender registrant but is not a 1583
child-victim predator or habitual child-victim offender, or a 1584
determination that the child no longer is a juvenile offender 1585
registrant and no longer has a duty to comply with sections 1586
2950.041, 2950.05, and 2950.06 of the Revised Code; 1587

(e) If the prior order was issued under division (B) of 1588
section 2152.83 of the Revised Code and does not include a sexual 1589
predator or child-victim predator determination as described in 1590
division (A)(2)(d) of this section but includes a determination by 1591
the judge that the delinquent child is a habitual sex offender or 1592
habitual child-victim offender, enter, as applicable, an order 1593
that contains a determination that the child no longer is a 1594
habitual sex offender and ~~that also contains~~ either a 1595
determination that the child remains a juvenile ~~sex~~ offender 1596
registrant but is not a sexual predator or habitual sex offender 1597
or a determination that ~~specifies that~~ the child no longer is a 1598
juvenile ~~sex~~ offender registrant and no longer has a duty to 1599
~~register under section~~ comply with sections 2950.04, 2950.05, and 1600
2950.06 of the Revised Code, or an order that contains a 1601
determination that the child no longer is a habitual child-victim 1602
offender and either a determination that the child remains a 1603
juvenile offender registrant but is not a child-victim predator or 1604
habitual child-victim offender or a determination that the child 1605
no longer is a juvenile offender registrant and no longer has a 1606
duty to comply with sections 2950.041, 2950.05, and 2950.06 of the 1607
Revised Code; 1608

(f) If the prior order was issued under division (B) of 1609
section 2152.83 of the Revised Code and does not include a sexual 1610
predator or child-victim predator determination or a habitual sex 1611
offender or habitual child-victim offender determination as 1612
described in divisions (A)(2)(d) and (e) of this section, enter, 1613
as applicable, an order that contains a determination that the 1614

delinquent child no longer is a juvenile ~~sex~~ offender registrant 1615
and no longer has a duty to ~~register under section~~ comply with 1616
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or an 1617
order that contains a determination that the delinquent child no 1618
longer is a juvenile offender registrant and no longer has a duty 1619
to comply with sections 2950.041, 2950.05, and 2950.06 of the 1620
Revised Code. 1621

(B) If a judge issues an order under division (A)(2)(a) of 1622
this section that continues the prior classification of the 1623
delinquent child as a juvenile ~~sex~~ offender registrant and any 1624
sexual predator or habitual sex offender determination included in 1625
the order, or that continues the prior classification of the 1626
delinquent child as a juvenile offender registrant and any 1627
child-victim predator or habitual child-victim offender 1628
determination included in the order, the prior classification and 1629
the prior determination, if applicable, shall remain in effect. 1630

A judge may issue an order under division (A)(2) of this 1631
section that contains a determination that a child no longer is a 1632
sexual predator or no longer is a child-victim predator only if 1633
the judge, in accordance with the procedures specified in division 1634
(D)(1) of section 2950.09 of the Revised Code regarding a sexual 1635
predator, determines at the hearing by clear and convincing 1636
evidence that the delinquent child is unlikely to commit a 1637
sexually oriented offense in the future, or the judge, in 1638
accordance with the procedures specified in division (D)(1) of 1639
section 2950.091 of the Revised Code regarding a child-victim 1640
predator, determines at the hearing by clear and convincing 1641
evidence that the delinquent child is unlikely to commit a 1642
child-victim oriented offense in the future. If the judge issues 1643
an order of that type, the judge shall provide the notifications 1644
described in division (D)(1) of section 2950.09 or 2950.091 of the 1645
Revised Code, whichever is applicable, and the recipient of the 1646

notification shall comply with the provisions of that division. 1647

If a judge issues an order under division (A)(2) of this 1648
section that otherwise reclassifies the delinquent child, the 1649
judge shall provide a copy of the order to the bureau of criminal 1650
identification and investigation, and the bureau, upon receipt of 1651
the copy of the order, promptly shall notify the sheriff with whom 1652
the child most recently registered under section 2950.04 or 1653
2950.041 of the Revised Code of the reclassification. 1654

(C) If a judge issues an order under any provision of 1655
division (A)(2) of this section, the judge shall provide to the 1656
delinquent child and to the delinquent child's parent, guardian, 1657
or custodian a copy of the order and a notice containing the 1658
information described in divisions (A) and (B) of section 2950.03 1659
of the Revised Code. The judge shall provide the notice at the 1660
time of the issuance of the order, ~~shall provide the notice as~~ 1661
~~described in division (B)(1)(c) of that section,~~ and shall comply 1662
with divisions (B)(1), ~~(B)(2),~~ and (C) of that section regarding 1663
that notice and the provision of it. 1664

(D) In making a decision under division (A) of this section, 1665
a judge shall consider all relevant factors, including, but not 1666
limited to, the factors listed in division (E) of section 2152.83 1667
of the Revised Code. 1668

(E) An order issued under division (A)(2) of this section and 1669
any determinations included in the order shall remain in effect 1670
for the period of time specified in section 2950.07 of the Revised 1671
Code, subject to a modification or termination of the order under 1672
section 2152.85 of the Revised Code, and section 2152.851 of the 1673
Revised Code applies regarding the order and the determinations. 1674
If an order is issued under division (A)(2) of this section, the 1675
child's attainment of eighteen or twenty-one years of age does not 1676
affect or terminate the order, and the order remains in effect for 1677
the period of time described in this division. 1678

Sec. 2152.85. (A) Upon the expiration of the applicable 1679
period of time specified in division (B)(1) or (2) of this 1680
section, a delinquent child who has been classified pursuant to 1681
this section or section 2152.82 or 2152.83 of the Revised Code a 1682
juvenile ~~sex~~ offender registrant may petition the judge who made 1683
the classification, or that judge's successor in office, to do one 1684
of the following: 1685

(1) If the order containing the juvenile ~~sex~~ offender 1686
registrant classification also includes a determination by the 1687
juvenile court judge that the delinquent child is a sexual 1688
predator ~~relative to the sexually-oriented offense~~ or child-victim 1689
predator in the manner described in section 2152.82 or 2152.83 of 1690
the Revised Code and that determination remains in effect, to 1691
enter, as applicable, an order that contains a determination that 1692
the child no longer is a sexual predator, the reason or reasons 1693
for that determination, and ~~that also contains~~ either a 1694
determination that the child is a habitual sex offender or a 1695
determination that the child remains a juvenile ~~sex~~ offender 1696
registrant but is not a sexual predator or habitual sex offender, 1697
or an order that contains a determination that the child no longer 1698
is a child-victim predator, the reason or reasons for that 1699
determination, and either a determination that the child is a 1700
habitual child-victim offender or a determination that the child 1701
remains a juvenile offender registrant but is not a child-victim 1702
predator or habitual child-victim offender; 1703

(2) If the order containing the juvenile ~~sex~~ offender 1704
registrant classification under section 2152.82 or 2152.83 of the 1705
Revised Code or under division (C)(2) of this section pursuant to 1706
a petition filed under division (A) of this section does not 1707
include a sexual predator or child-victim predator determination 1708
as described in division (A)(1) of this section but includes a 1709

determination by the juvenile court judge that the delinquent 1710
child is a habitual sex offender ~~relative to the sexually oriented~~ 1711
~~offense or a habitual child-victim offender~~ in the manner 1712
described in section 2152.82 or 2152.83 of the Revised Code, or in 1713
this section, and that determination remains in effect, to enter, 1714
as applicable, an order that contains a determination that the 1715
child no longer is a habitual sex offender and ~~that also contains~~ 1716
either a determination that the child remains a juvenile ~~sex~~ 1717
offender registrant or a determination that the child no longer is 1718
a juvenile ~~sex~~ offender registrant and no longer has a duty to 1719
~~register under section~~ comply with sections 2950.04, 2950.05, and 1720
2950.06 of the Revised Code, or an order that contains a 1721
determination that the child no longer is a habitual child-victim 1722
offender and either a determination that the child remains a 1723
juvenile offender registrant or a determination that the child no 1724
longer is a juvenile offender registrant and no longer has a duty 1725
to comply with sections 2950.041, 2950.05, and 2950.06 of the 1726
Revised Code; 1727

(3) If the order containing the juvenile ~~sex~~ offender 1728
registrant classification under section 2152.82 or 2152.83 of the 1729
Revised Code or under division (C)(2) of this section pursuant to 1730
a petition filed under division (A) of this section does not 1731
include a sexual predator or child-victim predator determination 1732
or a habitual sex offender or habitual child-victim offender 1733
determination as described in division (A)(1) or (2) of this 1734
section, to enter, as applicable, an order that contains a 1735
determination that the child no longer is a juvenile ~~sex~~ offender 1736
registrant and no longer has a duty to ~~register under section~~ 1737
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1738
Code, or an order that contains a determination that the child no 1739
longer is a juvenile offender registrant and no longer has a duty 1740
to comply with sections 2950.041, 2950.05, and 2950.06 of the 1741
Revised Code. 1742

(B) A delinquent child who has been adjudicated a delinquent child for committing on or after ~~the effective date of this section~~ January 1, 2002, a sexually oriented offense that is not a registration-exempt sexually oriented offense and who has been classified a juvenile ~~sex~~ offender registrant relative to that ~~sexually oriented offense~~ or who has been adjudicated a delinquent child for committing on or after that date a child-victim oriented offense and who has been classified a juvenile offender registrant relative to that offense may file a petition under division (A) of this section requesting reclassification or declassification as described in that division after the expiration of one of the following periods of time:

(1) The delinquent child initially may file a petition not earlier than three years after the entry of the juvenile court judge's order after the mandatory hearing conducted under section 2152.84 of the Revised Code.

(2) After the delinquent child's initial filing of a petition under division (B)(1) of this section, the child may file a second petition not earlier than three years after the judge has entered an order deciding the petition under division (B)(1) of this section.

(3) After the delinquent child's filing of a petition under division (B)(2) of this section, thereafter, the delinquent child may file a petition under this division upon the expiration of five years after the judge has entered an order deciding the petition under division (B)(2) of this section or the most recent petition the delinquent child has filed under this division.

(C) Upon the filing of a petition under divisions (A) and (B) of this section, the judge may review the prior classification or determination in question and, upon consideration of all relevant factors and information, including, but not limited to the factors

listed in division (E) of section 2152.83 of the Revised Code, the judge, in the judge's discretion, shall do one of the following:

(1) Enter an order denying the petition;

(2) Issue an order that reclassifies or declassifies the delinquent child, in the requested manner specified in division (A)(1), (2), or (3) of this section.

(D) If a judge issues an order under division (C) of this section that denies a petition, the prior classification of the delinquent child as a juvenile ~~sex~~ offender registrant, and the prior determination that the child is a sexual predator ~~or~~, child-victim predator, habitual sex offender, or habitual child-victim offender, if applicable, shall remain in effect.

A judge may issue an order under division (C) of this section that contains a determination that a child no longer is a sexual predator or no longer is a child-victim predator only if the judge conducts a hearing and, in accordance with the procedures specified in division (D)(1) of section 2950.09 of the Revised Code regarding a sexual predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future, or, in accordance with the procedures specified in division (D)(1) of section 2950.091 of the Revised Code regarding a child-victim predator, determines at the hearing by clear and convincing evidence that the delinquent child is unlikely to commit a child-victim oriented offense in the future. If the judge issues an order of that type, the judge shall provide the notifications described in division (D)(1) of section 2950.09 or 2950.091 of the Revised Code, whichever is applicable, and the recipient of the notification shall comply with the provisions of that division.

A judge may issue an order under division (C) of this section that contains a determination that a delinquent child is a

habitual sex offender or a habitual child-victim offender only if 1805
the judge conducts a hearing and determines at the hearing as 1806
described in division (E) of section 2950.09 of the Revised Code 1807
regarding habitual sex offenders or division (E) of section 1808
2950.091 of the Revised Code regarding habitual child-victim 1809
offenders that the child is a habitual sex offender or a habitual 1810
child-victim offender. If the judge issues an order that contains 1811
a determination that a delinquent child is a habitual sex offender 1812
or a habitual child-victim offender, the judge may impose a 1813
requirement subjecting the child to community notification 1814
provisions as described in that division. 1815

(E) If a judge issues an order under division (C) of this 1816
section, the judge shall provide to the delinquent child and to 1817
the delinquent child's parent, guardian, or custodian a copy of 1818
the order and a notice containing the information described in 1819
divisions (A) and (B) of section 2950.03 of the Revised Code. The 1820
judge shall provide the notice at the time of the issuance of the 1821
order, ~~shall provide the notice as described in division (B)(1)(c)~~ 1822
~~of section 2950.03 of the Revised Code,~~ and shall comply with 1823
divisions (B)(1), ~~(B)(2)~~, and (C) of that section regarding that 1824
notice and the provision of it. 1825

(F) An order issued under division (C) of this section shall 1826
remain in effect for the period of time specified in section 1827
2950.07 of the Revised Code, subject to a further modification or 1828
a termination of the order under this section, and section 1829
2152.851 of the Revised Code applies regarding the order and the 1830
determinations. If an order is issued under division (C) of this 1831
section, the child's attainment of eighteen or twenty-one years of 1832
age does not affect or terminate the order, and the order remains 1833
in effect for the period of time described in this division. 1834

Sec. 2152.851. (A) If, prior to the effective date of this 1835

section, a judge issues an order under section 2152.82, 2152.83, 1836
2152.84, or 2152.85 of the Revised Code that classifies a 1837
delinquent child a juvenile offender registrant and if, on and 1838
after the effective date of this section, the sexually oriented 1839
offense upon which the order was based no longer is considered a 1840
sexually oriented offense but instead is a child-victim oriented 1841
offense, notwithstanding the redesignation of the offense, the 1842
order shall remain in effect for the period described in the 1843
section under which it was issued, the order shall be considered 1844
for all purposes to be an order that classifies the child a 1845
juvenile offender registrant, division (A)(2)(b) of section 1846
2950.041 of the Revised Code applies regarding the child, and the 1847
duty to register imposed pursuant to that division shall be 1848
considered, for purposes of section 2950.07 of the Revised Code 1849
and for all other purposes, to be a continuation of the duty 1850
imposed upon the child prior to the effective date of this section 1851
under the order issued under section 2152.82, 2152.83, 2152.84, or 1852
2152.85 and Chapter 2950. of the Revised Code. 1853

(B) If an order of the type order described in division (A) 1854
of this section included a classification or determination that 1855
the delinquent child was a sexual predator or habitual sex 1856
offender, notwithstanding the redesignation of the offense upon 1857
which the determination was based, all of the following apply: 1858

(1) Divisions (A)(1) and (2) or (E)(1) and (2) of section 1859
2950.091 of the Revised Code apply regarding the child and the 1860
judge's order made prior to the effective date of this section 1861
shall be considered for all purposes to be an order that 1862
classifies the child as described in those divisions; 1863

(2) The child's classification or determination under 1864
divisions (A)(1) and (2) or (E)(1) and (2) of section 2950.091 of 1865
the Revised Code shall be considered, for purposes of section 1866
2950.07 of the Revised Code and for all other purposes, to be a 1867

continuation of classification or determination made prior to the 1868
effective date of this section; 1869

(3) The child's duties under Chapter 2950. of the Revised 1870
Code relative to that classification or determination shall be 1871
considered for all purposes to be a continuation of the duties 1872
related to that classification or determination as they existed 1873
prior to the effective date of this section. 1874

Sec. 2901.07. (A) As used in this section: 1875

(1) "DNA analysis" and "DNA specimen" have the same meanings 1876
as in section 109.573 of the Revised Code. 1877

(2) "Jail" and "community-based correctional facility" have 1878
the same meanings as in section 2929.01 of the Revised Code. 1879

(3) "Post-release control" has the same meaning as in section 1880
2967.01 of the Revised Code. 1881

(B)(1) A person who is convicted of or pleads guilty to a 1882
felony offense listed in division (D) of this section and who is 1883
sentenced to a prison term or to a community residential sanction 1884
in a jail or community-based correctional facility pursuant to 1885
section 2929.16 of the Revised Code, and a person who is convicted 1886
of or pleads guilty to a misdemeanor offense listed in division 1887
(D) of this section and who is sentenced to a term of imprisonment 1888
shall submit to a DNA specimen collection procedure administered 1889
by the director of rehabilitation and correction or the chief 1890
administrative officer of the jail or other detention facility in 1891
which the person is serving the term of imprisonment. If the 1892
person serves the prison term in a state correctional institution, 1893
the director of rehabilitation and correction shall cause the DNA 1894
specimen to be collected from the person during the intake process 1895
at the reception facility designated by the director. If the 1896
person serves the community residential sanction or term of 1897

imprisonment in a jail, a community-based correctional facility, 1898
or another county, multicounty, municipal, municipal-county, or 1899
multicounty-municipal detention facility, the chief administrative 1900
officer of the jail, community-based correctional facility, or 1901
detention facility shall cause the DNA specimen to be collected 1902
from the person during the intake process at the jail, 1903
community-based correctional facility, or detention facility. In 1904
accordance with division (C) of this section, the director or the 1905
chief administrative officer shall cause the DNA specimen to be 1906
forwarded to the bureau of criminal identification and 1907
investigation no later than fifteen days after the date of the 1908
collection of the DNA specimen. The DNA specimen shall be 1909
collected in accordance with division (C) of this section. 1910

(2) If a person is convicted of or pleads guilty to an 1911
offense listed in division (D) of this section, is serving a 1912
prison term, community residential sanction, or term of 1913
imprisonment for that offense, and does not provide a DNA specimen 1914
pursuant to division (B)(1) of this section, prior to the person's 1915
release from the prison term, community residential sanction, or 1916
imprisonment, the person shall submit to, and the director of 1917
rehabilitation and correction or the chief administrative officer 1918
of the jail, community-based correctional facility, or detention 1919
facility in which the person is serving the prison term, community 1920
residential sanction, or term of imprisonment shall administer, a 1921
DNA specimen collection procedure at the state correctional 1922
institution, jail, community-based correctional facility, or 1923
detention facility in which the person is serving the prison term, 1924
community residential sanction, or term of imprisonment. In 1925
accordance with division (C) of this section, the director or the 1926
chief administrative officer shall cause the DNA specimen to be 1927
forwarded to the bureau of criminal identification and 1928
investigation no later than fifteen days after the date of the 1929
collection of the DNA specimen. The DNA specimen shall be 1930

collected in accordance with division (C) of this section. 1931

(3) If a person sentenced to a term of imprisonment or 1932
serving a prison term or community residential sanction for 1933
committing an offense listed in division (D) of this section is on 1934
probation, is released on parole, under transitional control, or 1935
on another type of release, or is on post-release control, if the 1936
person is under the supervision of a probation department or the 1937
adult parole authority, if the person is sent to jail or is 1938
returned to a jail, community-based correctional facility, or 1939
state correctional institution for a violation of the terms and 1940
conditions of the probation, parole, transitional control, other 1941
release, or post-release control, if the person was or will be 1942
serving a term of imprisonment, prison term, or community 1943
residential sanction for committing an offense listed in division 1944
(D) of this section, and if the person did not provide a DNA 1945
specimen pursuant to division (B)(1) or (2) of this section, the 1946
person shall submit to, and the director of rehabilitation and 1947
correction or the chief administrative officer of the jail or 1948
community-based correctional facility shall administer, a DNA 1949
specimen collection procedure at the jail, community-based 1950
correctional facility, or state correctional institution in which 1951
the person is serving the term of imprisonment, prison term, or 1952
community residential sanction. In accordance with division (C) of 1953
this section, the director or the chief administrative officer 1954
shall cause the DNA specimen to be forwarded to the bureau of 1955
criminal identification and investigation no later than fifteen 1956
days after the date of the collection of the DNA specimen. The DNA 1957
specimen shall be collected from the person in accordance with 1958
division (C) of this section. 1959

(C) If the DNA specimen is collected by withdrawing blood 1960
from the person or a similarly invasive procedure, a physician, 1961
registered nurse, licensed practical nurse, duly licensed clinical 1962

laboratory technician, or other qualified medical practitioner 1963
shall collect in a medically approved manner the DNA specimen 1964
required to be collected pursuant to division (B) of this section. 1965
If the DNA specimen is collected by swabbing for buccal cells or a 1966
similarly noninvasive procedure, this section does not require 1967
that the DNA specimen be collected by a qualified medical 1968
practitioner of that nature. No later than fifteen days after the 1969
date of the collection of the DNA specimen, the director of 1970
rehabilitation and correction or the chief administrative officer 1971
of the jail, community-based correctional facility, or other 1972
county, multicounty, municipal, municipal-county, or 1973
multicounty-municipal detention facility, in which the person is 1974
serving the prison term, community residential sanction, or term 1975
of imprisonment shall cause the DNA specimen to be forwarded to 1976
the bureau of criminal identification and investigation in 1977
accordance with procedures established by the superintendent of 1978
the bureau under division (H) of section 109.573 of the Revised 1979
Code. The bureau shall provide the specimen vials, mailing tubes, 1980
labels, postage, and instructions needed for the collection and 1981
forwarding of the DNA specimen to the bureau. 1982

(D) The director of rehabilitation and correction and the 1983
chief administrative officer of the jail, community-based 1984
correctional facility, or other county, multicounty, municipal, 1985
municipal-county, or multicounty-municipal detention facility 1986
shall cause a DNA specimen to be collected in accordance with 1987
divisions (B) and (C) of this section from a person in its custody 1988
who is convicted of or pleads guilty to any of the following 1989
offenses: 1990

(1) A violation of section 2903.01, 2903.02, 2903.11, 1991
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 1992
2911.11, or 2911.12 of the Revised Code; 1993

(2) A violation of section 2907.12 of the Revised Code as it 1994

existed prior to September 3, 1996;	1995
(3) An attempt to commit a violation of section 2903.01, 2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;	1996 1997 1998 1999
(4) A violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code that previously was dismissed or amended or as did a charge against the person of a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996, that previously was dismissed or amended;	2000 2001 2002 2003 2004 2005 2006 2007
(5) A violation of section 2905.02 or 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had it been committed prior to that date;	2008 2009 2010 2011
(6) A sexually oriented offense <u>or a child-victim oriented offense</u> , both as defined in section 2950.01 of the Revised Code, if, in relation to that offense, the offender has been adjudicated as being a sexual predator <u>or a child-victim predator</u> , both as defined in section 2950.01 of the Revised Code;	2012 2013 2014 2015 2016
(7) A felony violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code that previously was dismissed or amended;	2017 2018 2019 2020 2021
(8) A conspiracy to commit a violation of section 2903.01, 2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;	2022 2023 2024
(9) Complicity in committing a violation of section 2903.01,	2025

2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2026
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 2027
violation of section 2907.12 of the Revised Code as it existed 2028
prior to September 3, 1996. 2029

(E) The director of rehabilitation and correction or a chief 2030
administrative officer of a jail, community-based correctional 2031
facility, or other detention facility described in division (B) of 2032
this section in relation to the following offenses is not required 2033
to comply with this section until the superintendent of the bureau 2034
of criminal identification and investigation gives agencies in the 2035
criminal justice system, as defined in section 181.51 of the 2036
Revised Code, in the state official notification that the state 2037
DNA laboratory is prepared to accept DNA specimens of that nature: 2038

(1) A violation of section 2903.11, 2911.01, 2911.02, or 2039
2911.12 of the Revised Code; 2040

(2) An attempt to commit a violation of section 2903.01 or 2041
2903.02 of the Revised Code; 2042

(3) A felony violation of any law that arose out of the same 2043
facts and circumstances and same act as did a charge against the 2044
person of a violation of section 2903.11, 2911.01, 2911.02, or 2045
2911.12 of the Revised Code that previously was dismissed or 2046
amended; 2047

(4) A conspiracy to commit a violation of section 2903.01, 2048
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 2049
Revised Code; 2050

(5) Complicity in committing a violation of section 2903.01, 2051
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2052
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 2053
violation of section 2907.12 of the Revised Code as it existed 2054
prior to September 3, 1996. 2055

Sec. 2907.07. (A) No person shall solicit a person who is 2056
less than thirteen years of age to engage in sexual activity with 2057
the offender, whether or not the offender knows the age of such 2058
person. 2059

~~(B) No person shall solicit a person of the same sex to 2060
engage in sexual activity with the offender, when the offender 2061
knows such solicitation is offensive to the other person, or is 2062
reckless in that regard. 2063~~

~~(C)~~ No person shall solicit another, not the spouse of the 2064
offender, to engage in sexual conduct with the offender, when the 2065
offender is eighteen years of age or older and four or more years 2066
older than the other person, and the other person is thirteen 2067
years of age or older but less than sixteen years of age, whether 2068
or not the offender knows the age of the other person. 2069

~~(D)~~(C) No person shall solicit another by means of a 2070
telecommunications device, as defined in section 2913.01 of the 2071
Revised Code, to engage in sexual activity with the offender when 2072
the offender is eighteen years of age or older and either of the 2073
following applies: 2074

(1) The other person is less than thirteen years of age, and 2075
the offender knows that the other person is less than thirteen 2076
years of age or is reckless in that regard. 2077

(2) The other person is a law enforcement officer posing as a 2078
person who is less than thirteen years of age, and the offender 2079
believes that the other person is less than thirteen years of age 2080
or is reckless in that regard. 2081

~~(E)~~(D) No person shall solicit another by means of a 2082
telecommunications device, as defined in section 2913.01 of the 2083
Revised Code, to engage in sexual activity with the offender when 2084
the offender is eighteen years of age or older and either of the 2085

following applies: 2086

(1) The other person is thirteen years of age or older but 2087
less than sixteen years of age, the offender knows that the other 2088
person is thirteen years of age or older but less than sixteen 2089
years of age or is reckless in that regard, and the offender is 2090
four or more years older than the other person. 2091

(2) The other person is a law enforcement officer posing as a 2092
person who is thirteen years of age or older but less than sixteen 2093
years of age, the offender believes that the other person is 2094
thirteen years of age or older but less than sixteen years of age 2095
or is reckless in that regard, and the offender is four or more 2096
years older than the age the law enforcement officer assumes in 2097
posing as the person who is thirteen years of age or older but 2098
less than sixteen years of age. 2099

~~(F)~~(E) Divisions ~~(D)~~(C) and ~~(E)~~(D) of this section apply to 2100
any solicitation that is contained in a transmission via a 2101
telecommunications device that either originates in this state or 2102
is received in this state. 2103

~~(G)~~(F) Whoever violates this section is guilty of 2104
importuning. ~~Violation of division (B) of this section is a~~ 2105
~~misdemeanor of the first degree.~~ A violation of division (A) or 2106
~~(D)~~(C) of this section is a felony of the fourth degree on a first 2107
offense and a felony of the third degree on each subsequent 2108
offense. A violation of division ~~(C)~~(B) or ~~(E)~~(D) of this section 2109
is a felony of the fifth degree on a first offense and a felony of 2110
the fourth degree on each subsequent offense. 2111

Sec. 2919.24. (A) No person, including a parent, guardian, or 2112
other custodian of a child, shall do any of the following: 2113

(1) Aid, abet, induce, cause, encourage, or contribute to a 2114
child or a ward of the juvenile court becoming an unruly child, as 2115

defined in section 2151.022 of the Revised Code, or a delinquent 2116
child, as defined in section 2152.02 of the Revised Code; 2117

(2) Act in a way tending to cause a child or a ward of the 2118
juvenile court to become an unruly child, as defined in section 2119
2151.022 of the Revised Code, or a delinquent child, as defined in 2120
section 2152.02 of the Revised Code; 2121

(3) If the person is the parent, guardian, or custodian of a 2122
child who has the duties under Chapters 2152. and 2950. of the 2123
Revised Code to register, ~~to~~ register a new residence address, and 2124
~~to~~ periodically verify a residence address, and, if applicable, to 2125
send a notice of intent to reside, and if the child is not 2126
emancipated, as defined in section 2919.121 of the Revised Code, 2127
fail to ensure that the child complies with those duties under 2128
Chapters 2152. and 2950. of the Revised Code. 2129

(B) Whoever violates this section is guilty of contributing 2130
to the unruliness or delinquency of a child, a misdemeanor of the 2131
first degree. Each day of violation of this section is a separate 2132
offense. 2133

Sec. 2929.01. As used in this chapter: 2134

(A)(1) "Alternative residential facility" means, subject to 2135
division (A)(2) of this section, any facility other than an 2136
offender's home or residence in which an offender is assigned to 2137
live and that satisfies all of the following criteria: 2138

(a) It provides programs through which the offender may seek 2139
or maintain employment or may receive education, training, 2140
treatment, or habilitation. 2141

(b) It has received the appropriate license or certificate 2142
for any specialized education, training, treatment, habilitation, 2143
or other service that it provides from the government agency that 2144
is responsible for licensing or certifying that type of education, 2145

training, treatment, habilitation, or service. 2146

(2) "Alternative residential facility" does not include a 2147
community-based correctional facility, jail, halfway house, or 2148
prison. 2149

(B) "Bad time" means the time by which the parole board 2150
administratively extends an offender's stated prison term or terms 2151
pursuant to section 2967.11 of the Revised Code because the parole 2152
board finds by clear and convincing evidence that the offender, 2153
while serving the prison term or terms, committed an act that is a 2154
criminal offense under the law of this state or the United States, 2155
whether or not the offender is prosecuted for the commission of 2156
that act. 2157

(C) "Basic probation supervision" means a requirement that 2158
the offender maintain contact with a person appointed to supervise 2159
the offender in accordance with sanctions imposed by the court or 2160
imposed by the parole board pursuant to section 2967.28 of the 2161
Revised Code. "Basic probation supervision" includes basic parole 2162
supervision and basic post-release control supervision. 2163

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 2164
"unit dose" have the same meanings as in section 2925.01 of the 2165
Revised Code. 2166

(E) "Community-based correctional facility" means a 2167
community-based correctional facility and program or district 2168
community-based correctional facility and program developed 2169
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 2170

(F) "Community control sanction" means a sanction that is not 2171
a prison term and that is described in section 2929.15, 2929.16, 2172
2929.17, or 2929.18 of the Revised Code. 2173

(G) "Controlled substance," "marihuana," "schedule I," and 2174
"schedule II" have the same meanings as in section 3719.01 of the 2175
Revised Code. 2176

(H) "Curfew" means a requirement that an offender during a 2177
specified period of time be at a designated place. 2178

(I) "Day reporting" means a sanction pursuant to which an 2179
offender is required each day to report to and leave a center or 2180
other approved reporting location at specified times in order to 2181
participate in work, education or training, treatment, and other 2182
approved programs at the center or outside the center. 2183

(J) "Deadly weapon" has the same meaning as in section 2184
2923.11 of the Revised Code. 2185

(K) "Drug and alcohol use monitoring" means a program under 2186
which an offender agrees to submit to random chemical analysis of 2187
the offender's blood, breath, or urine to determine whether the 2188
offender has ingested any alcohol or other drugs. 2189

(L) "Drug treatment program" means any program under which a 2190
person undergoes assessment and treatment designed to reduce or 2191
completely eliminate the person's physical or emotional reliance 2192
upon alcohol, another drug, or alcohol and another drug and under 2193
which the person may be required to receive assessment and 2194
treatment on an outpatient basis or may be required to reside at a 2195
facility other than the person's home or residence while 2196
undergoing assessment and treatment. 2197

(M) "Economic loss" means any economic detriment suffered by 2198
a victim as a result of the commission of a felony and includes 2199
any loss of income due to lost time at work because of any injury 2200
caused to the victim, and any property loss, medical cost, or 2201
funeral expense incurred as a result of the commission of the 2202
felony. 2203

(N) "Education or training" includes study at, or in 2204
conjunction with a program offered by, a university, college, or 2205
technical college or vocational study and also includes the 2206
completion of primary school, secondary school, and literacy 2207

curricula or their equivalent.	2208
(O) "Electronically monitored house arrest" has the same meaning as in section 2929.23 of the Revised Code.	2209 2210
(P) "Eligible offender" has the same meaning as in section 2929.23 of the Revised Code except as otherwise specified in section 2929.20 of the Revised Code.	2211 2212 2213
(Q) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	2214 2215
(R) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.	2216 2217 2218 2219 2220
(S) "House arrest" means a period of confinement of an eligible offender that is in the eligible offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, that may be electronically monitored house arrest, and during which all of the following apply:	2221 2222 2223 2224 2225 2226
(1) The eligible offender is required to remain in the eligible offender's home or other specified premises for the specified period of confinement, except for periods of time during which the eligible offender is at the eligible offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.	2227 2228 2229 2230 2231 2232
(2) The eligible offender is required to report periodically to a person designated by the court or parole board.	2233 2234
(3) The eligible offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.	2235 2236 2237

(T) "Intensive probation supervision" means a requirement 2238
that an offender maintain frequent contact with a person appointed 2239
by the court, or by the parole board pursuant to section 2967.28 2240
of the Revised Code, to supervise the offender while the offender 2241
is seeking or maintaining necessary employment and participating 2242
in training, education, and treatment programs as required in the 2243
court's or parole board's order. "Intensive probation supervision" 2244
includes intensive parole supervision and intensive post-release 2245
control supervision. 2246

(U) "Jail" means a jail, workhouse, minimum security jail, or 2247
other residential facility used for the confinement of alleged or 2248
convicted offenders that is operated by a political subdivision or 2249
a combination of political subdivisions of this state. 2250

(V) "Delinquent child" has the same meaning as in section 2251
2152.02 of the Revised Code. 2252

(W) "License violation report" means a report that is made by 2253
a sentencing court, or by the parole board pursuant to section 2254
2967.28 of the Revised Code, to the regulatory or licensing board 2255
or agency that issued an offender a professional license or a 2256
license or permit to do business in this state and that specifies 2257
that the offender has been convicted of or pleaded guilty to an 2258
offense that may violate the conditions under which the offender's 2259
professional license or license or permit to do business in this 2260
state was granted or an offense for which the offender's 2261
professional license or license or permit to do business in this 2262
state may be revoked or suspended. 2263

(X) "Major drug offender" means an offender who is convicted 2264
of or pleads guilty to the possession of, sale of, or offer to 2265
sell any drug, compound, mixture, preparation, or substance that 2266
consists of or contains at least one thousand grams of hashish; at 2267
least one hundred grams of crack cocaine; at least one thousand 2268

grams of cocaine that is not crack cocaine; at least two thousand 2269
five hundred unit doses or two hundred fifty grams of heroin; at 2270
least five thousand unit doses of L.S.D. or five hundred grams of 2271
L.S.D. in a liquid concentrate, liquid extract, or liquid 2272
distillate form; or at least one hundred times the amount of any 2273
other schedule I or II controlled substance other than marihuana 2274
that is necessary to commit a felony of the third degree pursuant 2275
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 2276
Code that is based on the possession of, sale of, or offer to sell 2277
the controlled substance. 2278

(Y) "Mandatory prison term" means any of the following: 2279

(1) Subject to division (Y)(2) of this section, the term in 2280
prison that must be imposed for the offenses or circumstances set 2281
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 2282
division (D) of section 2929.14 of the Revised Code. Except as 2283
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2284
2925.11 of the Revised Code, unless the maximum or another 2285
specific term is required under section 2929.14 of the Revised 2286
Code, a mandatory prison term described in this division may be 2287
any prison term authorized for the level of offense. 2288

(2) The term of sixty or one hundred twenty days in prison 2289
that a sentencing court is required to impose for a third or 2290
fourth degree felony OMVI offense pursuant to division (G)(2) of 2291
section 2929.13 and division (A)(4) or (8) of section 4511.99 of 2292
the Revised Code. 2293

(3) The term in prison imposed pursuant to section 2971.03 of 2294
the Revised Code for the offenses and in the circumstances 2295
described in division (F)(11) of section 2929.13 of the Revised 2296
Code and that term as modified or terminated pursuant to section 2297
2971.05 of the Revised Code. 2298

(Z) "Monitored time" means a period of time during which an 2299

offender continues to be under the control of the sentencing court 2300
or parole board, subject to no conditions other than leading a 2301
law-abiding life. 2302

(AA) "Offender" means a person who, in this state, is 2303
convicted of or pleads guilty to a felony or a misdemeanor. 2304

(BB) "Prison" means a residential facility used for the 2305
confinement of convicted felony offenders that is under the 2306
control of the department of rehabilitation and correction but 2307
does not include a violation sanction center operated under 2308
authority of section 2967.141 of the Revised Code. 2309

(CC) "Prison term" includes any of the following sanctions 2310
for an offender: 2311

(1) A stated prison term; 2312

(2) A term in a prison shortened by, or with the approval of, 2313
the sentencing court pursuant to section 2929.20, 2967.26, 2314
5120.031, 5120.032, or 5120.073 of the Revised Code; 2315

(3) A term in prison extended by bad time imposed pursuant to 2316
section 2967.11 of the Revised Code or imposed for a violation of 2317
post-release control pursuant to section 2967.28 of the Revised 2318
Code. 2319

(DD) "Repeat violent offender" means a person about whom both 2320
of the following apply: 2321

(1) The person has been convicted of or has pleaded guilty 2322
to, and is being sentenced for committing, for complicity in 2323
committing, or for an attempt to commit, aggravated murder, 2324
murder, involuntary manslaughter, a felony of the first degree 2325
other than one set forth in Chapter 2925. of the Revised Code, a 2326
felony of the first degree set forth in Chapter 2925. of the 2327
Revised Code that involved an attempt to cause serious physical 2328
harm to a person or that resulted in serious physical harm to a 2329

person, or a felony of the second degree that involved an attempt 2330
to cause serious physical harm to a person or that resulted in 2331
serious physical harm to a person. 2332

(2) Either of the following applies: 2333

(a) The person previously was convicted of or pleaded guilty 2334
to, and previously served or, at the time of the offense was 2335
serving, a prison term for, any of the following: 2336

(i) Aggravated murder, murder, involuntary manslaughter, 2337
rape, felonious sexual penetration as it existed under section 2338
2907.12 of the Revised Code prior to September 3, 1996, a felony 2339
of the first or second degree that resulted in the death of a 2340
person or in physical harm to a person, or complicity in or an 2341
attempt to commit any of those offenses; 2342

(ii) An offense under an existing or former law of this 2343
state, another state, or the United States that is or was 2344
substantially equivalent to an offense listed under division 2345
(DD)(2)(a)(i) of this section and that resulted in the death of a 2346
person or in physical harm to a person. 2347

(b) The person previously was adjudicated a delinquent child 2348
for committing an act that if committed by an adult would have 2349
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 2350
section, the person was committed to the department of youth 2351
services for that delinquent act. 2352

(EE) "Sanction" means any penalty imposed upon an offender 2353
who is convicted of or pleads guilty to an offense, as punishment 2354
for the offense. "Sanction" includes any sanction imposed pursuant 2355
to any provision of sections 2929.14 to 2929.18 of the Revised 2356
Code. 2357

(FF) "Sentence" means the sanction or combination of 2358
sanctions imposed by the sentencing court on an offender who is 2359
convicted of or pleads guilty to a felony. 2360

(GG) "Stated prison term" means the prison term, mandatory
prison term, or combination of all prison terms and mandatory
prison terms imposed by the sentencing court pursuant to section
2929.14 or 2971.03 of the Revised Code. "Stated prison term"
includes any credit received by the offender for time spent in
jail awaiting trial, sentencing, or transfer to prison for the
offense and any time spent under house arrest or electronically
monitored house arrest imposed after earning credits pursuant to
section 2967.193 of the Revised Code.

(HH) "Victim-offender mediation" means a reconciliation or
mediation program that involves an offender and the victim of the
offense committed by the offender and that includes a meeting in
which the offender and the victim may discuss the offense, discuss
restitution, and consider other sanctions for the offense.

(II) "Fourth degree felony OMVI offense" means a violation of
division (A) of section 4511.19 of the Revised Code that, under
section 4511.99 of the Revised Code, is a felony of the fourth
degree.

(JJ) "Mandatory term of local incarceration" means the term
of sixty or one hundred twenty days in a jail, a community-based
correctional facility, a halfway house, or an alternative
residential facility that a sentencing court may impose upon a
person who is convicted of or pleads guilty to a fourth degree
felony OMVI offense pursuant to division (G)(1) of section 2929.13
of the Revised Code and division (A)(4) or (8) of section 4511.99
of the Revised Code.

(KK) "Designated homicide, assault, or kidnapping offense,"
"sexual motivation specification," "sexually violent offense,"
"sexually violent predator," and "sexually violent predator
specification" have the same meanings as in section 2971.01 of the
Revised Code.

(LL) "Habitual sex offender," "sexually oriented offense," 2392
and "sexual predator," "registration-exempt sexually oriented 2393
offense," "child-victim oriented offense," "habitual child-victim 2394
offender," and "child-victim predator" have the same meanings as 2395
in section 2950.01 of the Revised Code. 2396

(MM) An offense is "committed in the vicinity of a child" if 2397
the offender commits the offense within thirty feet of or within 2398
the same residential unit as a child who is under eighteen years 2399
of age, regardless of whether the offender knows the age of the 2400
child or whether the offender knows the offense is being committed 2401
within thirty feet of or within the same residential unit as the 2402
child and regardless of whether the child actually views the 2403
commission of the offense. 2404

(NN) "Family or household member" has the same meaning as in 2405
section 2919.25 of the Revised Code. 2406

(OO) "Motor vehicle" and "manufactured home" have the same 2407
meanings as in section 4501.01 of the Revised Code. 2408

(PP) "Detention" and "detention facility" have the same 2409
meanings as in section 2921.01 of the Revised Code. 2410

(QQ) "Third degree felony OMVI offense" means a violation of 2411
division (A) of section 4511.19 of the Revised Code that, under 2412
section 4511.99 of the Revised Code, is a felony of the third 2413
degree. 2414

(RR) "Random drug testing" has the same meaning as in section 2415
5120.63 of the Revised Code. 2416

(SS) "Felony sex offense" has the same meaning as in section 2417
2957.28 of the Revised Code. 2418

(TT) "Body armor" has the same meaning as in section 2419
2941.1411 of the Revised Code. 2420

Sec. 2929.13. (A) Except as provided in division (E), (F), or 2421
(G) of this section and unless a specific sanction is required to 2422
be imposed or is precluded from being imposed pursuant to law, a 2423
court that imposes a sentence upon an offender for a felony may 2424
impose any sanction or combination of sanctions on the offender 2425
that are provided in sections 2929.14 to 2929.18 of the Revised 2426
Code. The sentence shall not impose an unnecessary burden on state 2427
or local government resources. 2428

If the offender is eligible to be sentenced to community 2429
control sanctions, the court shall consider the appropriateness of 2430
imposing a financial sanction pursuant to section 2929.18 of the 2431
Revised Code or a sanction of community service pursuant to 2432
section 2929.17 of the Revised Code as the sole sanction for the 2433
offense. Except as otherwise provided in this division, if the 2434
court is required to impose a mandatory prison term for the 2435
offense for which sentence is being imposed, the court also may 2436
impose a financial sanction pursuant to section 2929.18 of the 2437
Revised Code but may not impose any additional sanction or 2438
combination of sanctions under section 2929.16 or 2929.17 of the 2439
Revised Code. 2440

If the offender is being sentenced for a fourth degree felony 2441
OMVI offense or for a third degree felony OMVI offense, in 2442
addition to the mandatory term of local incarceration or the 2443
mandatory prison term required for the offense by division (G)(1) 2444
or (2) of this section, the court shall impose upon the offender a 2445
mandatory fine in accordance with division (B)(3) of section 2446
2929.18 of the Revised Code and may impose whichever of the 2447
following is applicable: 2448

(1) For a fourth degree felony OMVI offense for which 2449
sentence is imposed under division (G)(1) of this section, an 2450
additional community control sanction or combination of community 2451

control sanctions under section 2929.16 or 2929.17 of the Revised Code; 2452
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(2) For a third or fourth degree felony OMVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code. 2454
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(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply: 2458
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(a) In committing the offense, the offender caused physical harm to a person. 2462
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(b) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon. 2464
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(c) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person. 2467
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(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others. 2471
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(e) The offender committed the offense for hire or as part of an organized criminal activity. 2477
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(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 2479
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Revised Code.	2482
(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	2483 2484
(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	2485 2486 2487
(i) The offender committed the offense while in possession of a firearm.	2488 2489
(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.	2490 2491 2492 2493 2494 2495 2496 2497
(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.	2498 2499 2500 2501 2502 2503 2504 2505 2506 2507
(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for	2508 2509 2510 2511 2512

purposes of sentencing, the sentencing court shall comply with the 2513
purposes and principles of sentencing under section 2929.11 of the 2514
Revised Code and with section 2929.12 of the Revised Code. 2515

(D) Except as provided in division (E) or (F) of this 2516
section, for a felony of the first or second degree and for a 2517
felony drug offense that is a violation of any provision of 2518
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2519
presumption in favor of a prison term is specified as being 2520
applicable, it is presumed that a prison term is necessary in 2521
order to comply with the purposes and principles of sentencing 2522
under section 2929.11 of the Revised Code. Notwithstanding the 2523
presumption established under this division, the sentencing court 2524
may impose a community control sanction or a combination of 2525
community control sanctions instead of a prison term on an 2526
offender for a felony of the first or second degree or for a 2527
felony drug offense that is a violation of any provision of 2528
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2529
presumption in favor of a prison term is specified as being 2530
applicable if it makes both of the following findings: 2531

(1) A community control sanction or a combination of 2532
community control sanctions would adequately punish the offender 2533
and protect the public from future crime, because the applicable 2534
factors under section 2929.12 of the Revised Code indicating a 2535
lesser likelihood of recidivism outweigh the applicable factors 2536
under that section indicating a greater likelihood of recidivism. 2537

(2) A community control sanction or a combination of 2538
community control sanctions would not demean the seriousness of 2539
the offense, because one or more factors under section 2929.12 of 2540
the Revised Code that indicate that the offender's conduct was 2541
less serious than conduct normally constituting the offense are 2542
applicable, and they outweigh the applicable factors under that 2543
section that indicate that the offender's conduct was more serious 2544

than conduct normally constituting the offense. 2545

(E)(1) Except as provided in division (F) of this section, 2546
for any drug offense that is a violation of any provision of 2547
Chapter 2925. of the Revised Code and that is a felony of the 2548
third, fourth, or fifth degree, the applicability of a presumption 2549
under division (D) of this section in favor of a prison term or of 2550
division (B) or (C) of this section in determining whether to 2551
impose a prison term for the offense shall be determined as 2552
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2553
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2554
Revised Code, whichever is applicable regarding the violation. 2555

(2) If an offender who was convicted of or pleaded guilty to 2556
a felony violates the conditions of a community control sanction 2557
imposed for the offense solely by reason of producing positive 2558
results on a drug test, the court, as punishment for the violation 2559
of the sanction, shall not order that the offender be imprisoned 2560
unless the court determines on the record either of the following: 2561

(a) The offender had been ordered as a sanction for the 2562
felony to participate in a drug treatment program, in a drug 2563
education program, or in narcotics anonymous or a similar program, 2564
and the offender continued to use illegal drugs after a reasonable 2565
period of participation in the program. 2566

(b) The imprisonment of the offender for the violation is 2567
consistent with the purposes and principles of sentencing set 2568
forth in section 2929.11 of the Revised Code. 2569

(F) Notwithstanding divisions (A) to (E) of this section, the 2570
court shall impose a prison term or terms under sections 2929.02 2571
to 2929.06, section 2929.14, or section 2971.03 of the Revised 2572
Code and except as specifically provided in section 2929.20 or 2573
2967.191 of the Revised Code or when parole is authorized for the 2574
offense under section 2967.13 of the Revised Code shall not reduce 2575

the terms pursuant to section 2929.20, section 2967.193, or any 2576
other provision of Chapter 2967. or Chapter 5120. of the Revised 2577
Code for any of the following offenses: 2578

(1) Aggravated murder when death is not imposed or murder; 2579

(2) Any rape, regardless of whether force was involved and 2580
regardless of the age of the victim, or an attempt to commit rape 2581
if, had the offender completed the rape that was attempted, the 2582
offender would have been subject to a sentence of life 2583
imprisonment or life imprisonment without parole for the rape; 2584

(3) Gross sexual imposition or sexual battery, if the victim 2585
is under thirteen years of age, if the offender previously was 2586
convicted of or pleaded guilty to rape, the former offense of 2587
felonious sexual penetration, gross sexual imposition, or sexual 2588
battery, and if the victim of the previous offense was under 2589
thirteen years of age; 2590

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2591
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2592
requires the imposition of a prison term; 2593

(5) A first, second, or third degree felony drug offense for 2594
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2595
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2596
4729.99 of the Revised Code, whichever is applicable regarding the 2597
violation, requires the imposition of a mandatory prison term; 2598

(6) Any offense that is a first or second degree felony and 2599
that is not set forth in division (F)(1), (2), (3), or (4) of this 2600
section, if the offender previously was convicted of or pleaded 2601
guilty to aggravated murder, murder, any first or second degree 2602
felony, or an offense under an existing or former law of this 2603
state, another state, or the United States that is or was 2604
substantially equivalent to one of those offenses; 2605

(7) Any offense that is a third degree felony and that is 2606

listed in division (DD)(1) of section 2929.01 of the Revised Code 2607
if the offender previously was convicted of or pleaded guilty to 2608
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 2609
section 2929.01 of the Revised Code; 2610

(8) Any offense, other than a violation of section 2923.12 of 2611
the Revised Code, that is a felony, if the offender had a firearm 2612
on or about the offender's person or under the offender's control 2613
while committing the felony, with respect to a portion of the 2614
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2615
of the Revised Code for having the firearm; 2616

(9) Any offense of violence that is a felony, if the offender 2617
wore or carried body armor while committing the felony offense of 2618
violence, with respect to the portion of the sentence imposed 2619
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2620
Code for wearing or carrying the body armor; 2621

(10) Corrupt activity in violation of section 2923.32 of the 2622
Revised Code when the most serious offense in the pattern of 2623
corrupt activity that is the basis of the offense is a felony of 2624
the first degree; 2625

(11) Any sexually violent offense for which the offender also 2626
is convicted of or pleads guilty to a sexually violent predator 2627
specification that was included in the indictment, count in the 2628
indictment, or information charging the sexually violent offense; 2629

(12) A violation of division (A)(1) or (2) of section 2921.36 2630
of the Revised Code, or a violation of division (C) of that 2631
section involving an item listed in division (A)(1) or (2) of that 2632
section, if the offender is an officer or employee of the 2633
department of rehabilitation and correction. 2634

(G) Notwithstanding divisions (A) to (E) of this section, if 2635
an offender is being sentenced for a fourth degree felony OMVI 2636
offense or for a third degree felony OMVI offense, the court shall 2637

impose upon the offender a mandatory term of local incarceration 2638
or a mandatory prison term in accordance with the following: 2639

(1) If the offender is being sentenced for a fourth degree 2640
felony OMVI offense, the court may impose upon the offender a 2641
mandatory term of local incarceration of sixty days as specified 2642
in division (A)(4) of section 4511.99 of the Revised Code or a 2643
mandatory term of local incarceration of one hundred twenty days 2644
as specified in division (A)(8) of that section. The court shall 2645
not reduce the term pursuant to section 2929.20, 2967.193, or any 2646
other provision of the Revised Code. The court that imposes a 2647
mandatory term of local incarceration under this division shall 2648
specify whether the term is to be served in a jail, a 2649
community-based correctional facility, a halfway house, or an 2650
alternative residential facility, and the offender shall serve the 2651
term in the type of facility specified by the court. A mandatory 2652
term of local incarceration imposed under division (G)(1) of this 2653
section is not subject to extension under section 2967.11 of the 2654
Revised Code, to a period of post-release control under section 2655
2967.28 of the Revised Code, or to any other Revised Code 2656
provision that pertains to a prison term. 2657

(2) If the offender is being sentenced for a third degree 2658
felony OMVI offense, or if the offender is being sentenced for a 2659
fourth degree felony OMVI offense and the court does not impose a 2660
mandatory term of local incarceration under division (G)(1) of 2661
this section, the court shall impose upon the offender a mandatory 2662
prison term of sixty days as specified in division (A)(4) of 2663
section 4511.99 of the Revised Code or a mandatory prison term of 2664
one hundred twenty days as specified in division (A)(8) of that 2665
section. The court shall not reduce the term pursuant to section 2666
2929.20, 2967.193, or any other provision of the Revised Code. In 2667
no case shall an offender who once has been sentenced to a 2668
mandatory term of local incarceration pursuant to division (G)(1) 2669

of this section for a fourth degree felony OMVI offense be 2670
sentenced to another mandatory term of local incarceration under 2671
that division for any violation of division (A) of section 4511.19 2672
of the Revised Code. The court shall not sentence the offender to 2673
a community control sanction under section 2929.16 or 2929.17 of 2674
the Revised Code. The department of rehabilitation and correction 2675
may place an offender sentenced to a mandatory prison term under 2676
this division in an intensive program prison established pursuant 2677
to section 5120.033 of the Revised Code if the department gave the 2678
sentencing judge prior notice of its intent to place the offender 2679
in an intensive program prison established under that section and 2680
if the judge did not notify the department that the judge 2681
disapproved the placement. Upon the establishment of the initial 2682
intensive program prison pursuant to section 5120.033 of the 2683
Revised Code that is privately operated and managed by a 2684
contractor pursuant to a contract entered into under section 9.06 2685
of the Revised Code, both of the following apply: 2686

(a) The department of rehabilitation and correction shall 2687
make a reasonable effort to ensure that a sufficient number of 2688
offenders sentenced to a mandatory prison term under this division 2689
are placed in the privately operated and managed prison so that 2690
the privately operated and managed prison has full occupancy. 2691

(b) Unless the privately operated and managed prison has full 2692
occupancy, the department of rehabilitation and correction shall 2693
not place any offender sentenced to a mandatory prison term under 2694
this division in any intensive program prison established pursuant 2695
to section 5120.033 of the Revised Code other than the privately 2696
operated and managed prison. 2697

(H) If an offender is being sentenced for a sexually oriented 2698
offense committed on or after January 1, 1997, the judge shall 2699
require the offender to submit to a DNA specimen collection 2700
procedure pursuant to section 2901.07 of the Revised Code if 2701

either of the following applies: 2702

(1) The offense was a sexually violent offense, and the 2703
offender also was convicted of or pleaded guilty to a sexually 2704
violent predator specification that was included in the 2705
indictment, count in the indictment, or information charging the 2706
sexually violent offense. 2707

(2) The judge imposing sentence for the sexually oriented 2708
offense determines pursuant to division (B) of section 2950.09 of 2709
the Revised Code that the offender is a sexual predator. 2710

(I) If an offender is being sentenced for a sexually oriented 2711
offense that is not a registration-exempt sexually oriented 2712
offense or for a child-victim oriented offense committed on or 2713
after January 1, 1997, the judge shall include in the sentence a 2714
summary of the offender's ~~duty to register pursuant to section~~ 2715
~~duties imposed under sections 2950.04 of the Revised Code, the~~ 2716
~~offender's duty to provide notice of a change in residence address~~ 2717
~~and register the new residence address pursuant to section,~~ 2718
~~2950.041, 2950.05 of the Revised Code, the offender's duty to~~ 2719
~~periodically verify the offender's current residence address~~ 2720
~~pursuant to section, and 2950.06 of the Revised Code,~~ and the 2721
duration of the duties. The judge shall inform the offender, at 2722
the time of sentencing, of those duties and of their duration and, 2723
if required under division (A)(2) of section 2950.03 of the 2724
Revised Code, shall perform the duties specified in that section. 2725

(J)(1) Except as provided in division (J)(2) of this section, 2726
when considering sentencing factors under this section in relation 2727
to an offender who is convicted of or pleads guilty to an attempt 2728
to commit an offense in violation of section 2923.02 of the 2729
Revised Code, the sentencing court shall consider the factors 2730
applicable to the felony category of the violation of section 2731
2923.02 of the Revised Code instead of the factors applicable to 2732
the felony category of the offense attempted. 2733

(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 2929.19. (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(2) Except as otherwise provided in this division, before imposing sentence on an offender who is being sentenced for a sexually oriented offense that was committed on or after January 1, 1997, that is not a registration-exempt sexually oriented

offense, and that is not a sexually violent offense, ~~and~~ before 2765
imposing sentence on an offender who is being sentenced for a 2766
sexually violent offense committed on or after January 1, 1997, 2767
and who was not charged with a sexually violent predator 2768
specification in the indictment, count in the indictment, or 2769
information charging the sexually violent offense, and before 2770
imposing sentence on or after May 7, 2002, on an offender who is 2771
being sentenced for a sexually oriented offense that is not a 2772
registration-exempt sexually oriented offense and who was 2773
acquitted of a sexually violent predator specification included in 2774
the indictment, count in the indictment, or information charging 2775
the sexually oriented offense, the court shall conduct a hearing 2776
in accordance with division (B) of section 2950.09 of the Revised 2777
Code to determine whether the offender is a sexual predator. The 2778
court shall not conduct a hearing under that division if the 2779
offender is being sentenced for a sexually violent offense ~~and~~, if 2780
a sexually violent predator specification was included in the 2781
indictment, count in the indictment, or information charging the 2782
sexually violent offense, and if the offender was convicted of or 2783
pleaded guilty to that sexually violent predator specification. 2784
Before imposing sentence on an offender who is being sentenced for 2785
a sexually oriented offense that is not a registration-exempt 2786
sexually oriented offense, the court also shall comply with 2787
division (E) of section 2950.09 of the Revised Code. 2788

Before imposing sentence on or after the effective date of 2789
this amendment on an offender who is being sentenced for a 2790
child-victim oriented offense, regardless of when the offense was 2791
committed, the court shall conduct a hearing in accordance with 2792
division (B) of section 2950.091 of the Revised Code to determine 2793
whether the offender is a child-victim predator. Before imposing 2794
sentence on an offender who is being sentenced for a child-victim 2795
oriented offense, the court also shall comply with division (E) of 2796
section 2950.091 of the Revised Code. 2797

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances:

(a) Unless the offense is a sexually violent offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;

(d) If the sentence is for one offense and it imposes a prison term for the offense that is the maximum prison term allowed for that offense by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term;

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those offenses that is the maximum prison term allowed for the offense of the highest degree by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term.

(3) Subject to division (B)(4) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term;

(b) Notify the offender that, as part of the sentence, the parole board may extend the stated prison term for certain violations of prison rules for up to one-half of the stated prison term;

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree in the commission of which the offender caused or threatened to cause physical harm to a person;

(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of

the third, fourth, or fifth degree that is not subject to division 2860
(B)(3)(c) of this section; 2861

(e) Notify the offender that, if a period of supervision is 2862
imposed following the offender's release from prison, as described 2863
in division (B)(3)(c) or (d) of this section, and if the offender 2864
violates that supervision or a condition of post-release control 2865
imposed under division (B) of section 2967.131 of the Revised 2866
Code, the parole board may impose a prison term, as part of the 2867
sentence, of up to one-half of the stated prison term originally 2868
imposed upon the offender; 2869

(f) Require that the offender not ingest or be injected with 2870
a drug of abuse and submit to random drug testing as provided in 2871
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 2872
is applicable to the offender who is serving a prison term, and 2873
require that the results of the drug test administered under any 2874
of those sections indicate that the offender did not ingest or was 2875
not injected with a drug of abuse. 2876

(4) If the offender is being sentenced for a sexually violent 2877
offense that the offender committed on or after January 1, 1997, 2878
and the offender also is convicted of or pleads guilty to a 2879
sexually violent predator specification that was included in the 2880
indictment, count in the indictment, or information charging the 2881
sexually violent offense, if the offender is being sentenced for a 2882
sexually oriented offense that is not a registration-exempt 2883
sexually oriented offense and that the offender committed on or 2884
after January 1, 1997, and the court imposing the sentence has 2885
determined pursuant to division (B) of section 2950.09 of the 2886
Revised Code that the offender is a sexual predator, if the 2887
offender is being sentenced on or after the effective date of this 2888
amendment for a child-victim oriented offense and the court 2889
imposing the sentence has determined pursuant to division (B) of 2890
section 2950.091 of the Revised Code that the offender is a 2891

child-victim predator, or if the offender is being sentenced for 2892
an aggravated sexually oriented offense as defined in section 2893
2950.01 of the Revised Code ~~that the offender committed on or~~ 2894
~~after the effective date of this amendment~~, the court shall 2895
include in the offender's sentence a statement that the offender 2896
has been adjudicated ~~as being~~ a sexual predator, has been 2897
adjudicated a child-victim predator, or has been convicted of or 2898
pleaded guilty to an aggravated sexually oriented offense, 2899
whichever is applicable, and shall comply with the requirements of 2900
section 2950.03 of the Revised Code. Additionally, in the 2901
circumstances described in division (G) of section 2929.14 of the 2902
Revised Code, the court shall impose sentence on the offender as 2903
described in that division. 2904

(5) If the sentencing court determines at the sentencing 2905
hearing that a community control sanction should be imposed and 2906
the court is not prohibited from imposing a community control 2907
sanction, the court shall impose a community control sanction. The 2908
court shall notify the offender that, if the conditions of the 2909
sanction are violated, if the offender commits a violation of any 2910
law, or if the offender leaves this state without the permission 2911
of the court or the offender's probation officer, the court may 2912
impose a longer time under the same sanction, may impose a more 2913
restrictive sanction, or may impose a prison term on the offender 2914
and shall indicate the specific prison term that may be imposed as 2915
a sanction for the violation, as selected by the court from the 2916
range of prison terms for the offense pursuant to section 2929.14 2917
of the Revised Code. 2918

(6) Before imposing a financial sanction under section 2919
2929.18 of the Revised Code or a fine under section 2929.25 of the 2920
Revised Code, the court shall consider the offender's present and 2921
future ability to pay the amount of the sanction or fine. 2922

(7) If the sentencing court sentences the offender to a 2923

sanction of confinement pursuant to section 2929.14 or 2929.16 of 2924
the Revised Code that is to be served in a local detention 2925
facility, as defined in section 2929.35 of the Revised Code, and 2926
if the local detention facility is covered by a policy adopted 2927
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2928
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2929
and section 2929.37 of the Revised Code, both of the following 2930
apply: 2931

(a) The court shall specify both of the following as part of 2932
the sentence: 2933

(i) If the offender is presented with an itemized bill 2934
pursuant to section 2929.37 of the Revised Code for payment of the 2935
costs of confinement, the offender is required to pay the bill in 2936
accordance with that section. 2937

(ii) If the offender does not dispute the bill described in 2938
division (B)(7)(a)(i) of this section and does not pay the bill by 2939
the times specified in section 2929.37 of the Revised Code, the 2940
clerk of the court may issue a certificate of judgment against the 2941
offender as described in that section. 2942

(b) The sentence automatically includes any certificate of 2943
judgment issued as described in division (B)(7)(a)(ii) of this 2944
section. 2945

(C)(1) If the offender is being sentenced for a fourth degree 2946
felony OMVI offense under division (G)(1) of section 2929.13 of 2947
the Revised Code, the court shall impose the mandatory term of 2948
local incarceration in accordance with that division, shall impose 2949
a mandatory fine in accordance with division (B)(3) of section 2950
2929.18 of the Revised Code, and, in addition, may impose 2951
additional sanctions as specified in sections 2929.15, 2929.16, 2952
2929.17, and 2929.18 of the Revised Code. The court shall not 2953
impose a prison term on the offender. 2954

(2) If the offender is being sentenced for a third or fourth degree felony OMVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. The court shall not impose any community control sanction on the offender.

(D) The sentencing court, pursuant to division (K) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.21. (A) Except as provided in division (G) of this section or in section 2929.23 of the Revised Code, whoever is convicted of or pleads guilty to a misdemeanor other than a minor misdemeanor shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing a violation of section 2909.03 of the Revised Code that is a misdemeanor, or a violation of division (A)(2) of section 2909.06 of the Revised Code when the means used are fire or explosion, shall be required to reimburse agencies for their investigation or prosecution costs in accordance with section 2929.28 of the Revised Code.

(B) Except as provided in division (G) of this section, terms	2986
of imprisonment for misdemeanor shall be imposed as follows:	2987
(1) For a misdemeanor of the first degree, not more than six	2988
months;	2989
(2) For a misdemeanor of the second degree, not more than	2990
ninety days;	2991
(3) For a misdemeanor of the third degree, not more than	2992
sixty days;	2993
(4) For a misdemeanor of the fourth degree, not more than	2994
thirty days.	2995
(C) Fines for misdemeanor shall be imposed as follows:	2996
(1) For a misdemeanor of the first degree, not more than one	2997
thousand dollars;	2998
(2) For a misdemeanor of the second degree, not more than	2999
seven hundred fifty dollars;	3000
(3) For a misdemeanor of the third degree, not more than five	3001
hundred dollars;	3002
(4) For a misdemeanor of the fourth degree, not more than two	3003
hundred fifty dollars.	3004
(D) Whoever is convicted of or pleads guilty to a minor	3005
misdemeanor shall be fined not more than one hundred dollars.	3006
(E) The court may require a person who is convicted of or	3007
pleads guilty to a misdemeanor to make restitution for all or part	3008
of the property damage that is caused by the offense and for all	3009
or part of the value of the property that is the subject of any	3010
theft offense, as defined in division (K) of section 2913.01 of	3011
the Revised Code, that the person committed. If the court	3012
determines that the victim of the offense was sixty-five years of	3013
age or older or permanently or totally disabled at the time of the	3014

commission of the offense, the court, regardless of whether the 3015
offender knew the age of victim, shall consider this fact in favor 3016
of imposing restitution, but this fact shall not control the 3017
decision of the court. 3018

(F)(1) If a person is sentenced to a term of imprisonment 3019
pursuant to this section and the term of imprisonment is to be 3020
served in a county jail in a county that has established a county 3021
jail industry program pursuant to section 5147.30 of the Revised 3022
Code, the court shall specify, as part of the sentence, whether 3023
the person may be considered by the county sheriff of that county 3024
for participation in the county jail industry program. The court 3025
shall retain jurisdiction to modify its specification made 3026
pursuant to this division during the person's term of imprisonment 3027
upon a reassessment of the person's qualifications for 3028
participation in the program. 3029

(2) If a person is sentenced to a term of imprisonment 3030
pursuant to this section that is to be served in a local detention 3031
facility, as defined in section 2929.35 of the Revised Code, the 3032
court may impose as part of the sentence pursuant to section 3033
2929.36 of the Revised Code a reimbursement sanction, and, if the 3034
local detention facility is covered by a policy adopted pursuant 3035
to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 3036
753.16, 2301.56, or 2947.19 of the Revised Code and section 3037
2929.37 of the Revised Code, both of the following apply: 3038

(a) The court shall specify both of the following as part of 3039
the sentence: 3040

(i) If the person is presented with an itemized bill pursuant 3041
to section 2929.37 of the Revised Code for payment of the costs of 3042
confinement, the person is required to pay the bill in accordance 3043
with that section. 3044

(ii) If the person does not dispute the bill described in 3045

division (F)(2)(a)(i) of this section and does not pay the bill by 3046
the times specified in section 2929.37 of the Revised Code, the 3047
clerk of the court may issue a certificate of judgment against the 3048
person as described in that section. 3049

(b) The sentence automatically includes any certificate of 3050
judgment issued as described in division (F)(2)(a)(ii) of this 3051
section. 3052

(G) If an offender is being sentenced for a sexually oriented 3053
offense that is a misdemeanor committed on or after January 1, 3054
1997, and if the judge imposing sentence for the sexually oriented 3055
offense determines pursuant to division (B) of section 2950.09 of 3056
the Revised Code that the offender is a sexual predator, the judge 3057
shall include in the offender's sentence a statement that the 3058
offender has been adjudicated as being a sexual predator, shall 3059
comply with the requirements of section 2950.03 of the Revised 3060
Code, and shall require the offender to submit to a DNA specimen 3061
collection procedure pursuant to section 2901.07 of the Revised 3062
Code. 3063

(H) Before imposing sentence on an offender who is being 3064
sentenced for a sexually oriented offense that is a misdemeanor, 3065
that was committed on or after January 1, 1997, and that is not a 3066
registration-exempt sexually oriented offense, the judge shall 3067
conduct a hearing in accordance with division (B) of section 3068
2950.09 of the Revised Code to determine whether the offender is a 3069
sexual predator. Before imposing sentence on an offender who is 3070
being sentenced for a sexually oriented offense that is not a 3071
registration-exempt sexually oriented offense, the court also 3072
shall comply with division (E) of section 2950.09 of the Revised 3073
Code. 3074

Before imposing sentence on or after the effective date of 3075
this amendment on an offender who is being sentenced for a 3076
child-victim oriented offense that is a misdemeanor, regardless of 3077

when the offense was committed, the judge shall conduct a hearing 3078
in accordance with division (B) of section 2950.091 of the Revised 3079
Code to determine whether the offender is a child-victim predator. 3080
Before imposing sentence on an offender who is being sentenced for 3081
a child-victim oriented offense, the court also shall comply with 3082
division (E) of section 2950.091 of the Revised Code. 3083

(I) If an offender is being sentenced for a sexually oriented 3084
offense that is not a registration-exempt sexually oriented 3085
offense or for a child-victim oriented offense that is a 3086
misdemeanor committed on or after January 1, 1997, the judge shall 3087
include in the sentence a summary of the offender's ~~duty to~~ 3088
~~register pursuant to section~~ duties imposed under sections 2950.04 3089
~~of the Revised Code, the offender's duty to provide notice of a~~ 3090
~~change in residence address and register the new residence address~~ 3091
~~pursuant to section, 2950.041, 2950.05 of the Revised Code, the~~ 3092
~~offender's duty to periodically verify the offender's current~~ 3093
~~residence address pursuant to section, and~~ 2950.06 of the Revised 3094
Code, and the duration of the duties. The judge shall inform the 3095
offender, at the time of sentencing, of those duties and of their 3096
duration and, if required under division (A)(2) of section 2950.03 3097
of the Revised Code, shall perform the duties specified in that 3098
section. 3099

Sec. 2935.36. (A) The prosecuting attorney may establish 3100
pre-trial diversion programs for adults who are accused of 3101
committing criminal offenses and whom the prosecuting attorney 3102
believes probably will not offend again. The programs shall be 3103
operated pursuant to written standards approved by journal entry 3104
by the presiding judge or, in courts with only one judge, the 3105
judge of the court of common pleas and shall not be applicable to 3106
any of the following: 3107

(1) Repeat offenders or dangerous offenders; 3108

(2) Persons accused of an offense of violence, of a violation of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a violation of section 2905.01, 2905.02, or 2919.23 of the Revised Code that, had it occurred prior to July 1, 1996, would have been a violation of section 2905.04 of the Revised Code as it existed prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following:

(a) The accused did not cause, threaten, or intend serious physical harm to any person;

(b) The offense was the result of circumstances not likely to recur;

(c) The accused has no history of prior delinquency or criminal activity;

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;

(e) Substantial grounds tending to excuse or justify the alleged offense.

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;

(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.

(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal

ordinance. 3139

(B) An accused who enters a diversion program shall do all of 3140
the following: 3141

(1) Waive, in writing and contingent upon the accused's 3142
successful completion of the program, the accused's right to a 3143
speedy trial, the preliminary hearing, the time period within 3144
which the grand jury may consider an indictment against the 3145
accused, and arraignment, unless the hearing, indictment, or 3146
arraignment has already occurred; 3147

(2) Agree, in writing, to the tolling while in the program of 3148
all periods of limitation established by statutes or rules of 3149
court, that are applicable to the offense with which the accused 3150
is charged and to the conditions of the diversion program 3151
established by the prosecuting attorney. 3152

(C) The trial court, upon the application of the prosecuting 3153
attorney, shall order the release from confinement of any accused 3154
who has agreed to enter a pre-trial diversion program and shall 3155
discharge and release any existing bail and release any sureties 3156
on recognizances and shall release the accused on a recognizance 3157
bond conditioned upon the accused's compliance with the terms of 3158
the diversion program. The prosecuting attorney shall notify every 3159
victim of the crime and the arresting officers of the prosecuting 3160
attorney's intent to permit the accused to enter a pre-trial 3161
diversion program. The victim of the crime and the arresting 3162
officers shall have the opportunity to file written objections 3163
with the prosecuting attorney prior to the commencement of the 3164
pre-trial diversion program. 3165

(D) If the accused satisfactorily completes the diversion 3166
program, the prosecuting attorney shall recommend to the trial 3167
court that the charges against the accused be dismissed, and the 3168
court, upon the recommendation of the prosecuting attorney, shall 3169

dismiss the charges. If the accused chooses not to enter the 3170
prosecuting attorney's diversion program, or if the accused 3171
violates the conditions of the agreement pursuant to which the 3172
accused has been released, the accused may be brought to trial 3173
upon the charges in the manner provided by law, and the waiver 3174
executed pursuant to division (B)(1) of this section shall be void 3175
on the date the accused is removed from the program for the 3176
violation. 3177

(E) As used in this section: 3178

(1) "Repeat offender" means a person who has a history of 3179
persistent criminal activity and whose character and condition 3180
reveal a substantial risk that the person will commit another 3181
offense. It is prima-facie evidence that a person is a repeat 3182
offender if any of the following applies: 3183

(a) Having been convicted of one or more offenses of violence 3184
and having been imprisoned pursuant to sentence for any such 3185
offense, the person commits a subsequent offense of violence; 3186

(b) Having been convicted of one or more sexually oriented 3187
offenses or child-victim oriented offenses, both as defined in 3188
section 2950.01 of the Revised Code, and having been imprisoned 3189
pursuant to sentence for one or more of those offenses, the person 3190
commits a subsequent sexually oriented offense or child-victim
oriented offense; 3191
3192

(c) Having been convicted of one or more theft offenses as 3193
defined in section 2913.01 of the Revised Code and having been 3194
imprisoned pursuant to sentence for one or more of those theft 3195
offenses, the person commits a subsequent theft offense; 3196

(d) Having been convicted of one or more felony drug abuse 3197
offenses as defined in section 2925.01 of the Revised Code and 3198
having been imprisoned pursuant to sentence for one or more of 3199
those felony drug abuse offenses, the person commits a subsequent 3200

felony drug abuse offense; 3201

(e) Having been convicted of two or more felonies and having 3202
been imprisoned pursuant to sentence for one or more felonies, the 3203
person commits a subsequent offense; 3204

(f) Having been convicted of three or more offenses of any 3205
type or degree other than traffic offenses, alcoholic intoxication 3206
offenses, or minor misdemeanors and having been imprisoned 3207
pursuant to sentence for any such offense, the person commits a 3208
subsequent offense. 3209

(2) "Dangerous offender" means a person who has committed an 3210
offense, whose history, character, and condition reveal a 3211
substantial risk that the person will be a danger to others, and 3212
whose conduct has been characterized by a pattern of repetitive, 3213
compulsive, or aggressive behavior with heedless indifference to 3214
the consequences. 3215

Sec. 2950.01. As used in this chapter, unless the context 3216
clearly requires otherwise: 3217

(A) "Confinement" includes, but is not limited to, a 3218
community residential sanction imposed pursuant to section 2929.16 3219
of the Revised Code. 3220

(B) "Habitual sex offender" means, except when a juvenile 3221
judge removes this classification pursuant to division (A)(2) of 3222
section 2152.84 or division (C)(2) of section 2152.85 of the 3223
Revised Code, a person to whom both of the following apply: 3224

(1) The person is convicted of or pleads guilty to a sexually 3225
oriented offense that is not a registration-exempt sexually 3226
oriented offense, or the person is adjudicated a delinquent child 3227
for committing on or after January 1, 2002, a sexually oriented 3228
offense that is not a registration-exempt sexually oriented 3229
offense, was fourteen years of age or older at the time of 3230

committing the offense, and is classified a juvenile ~~sex~~ offender 3231
registrant based on that adjudication. 3232

(2) One of the following applies to the person: 3233

(a) Regarding a person who is an offender, the person 3234
previously was convicted of or pleaded guilty to one or more 3235
sexually oriented offenses or child-victim oriented offenses or 3236
previously was adjudicated a delinquent child for committing one 3237
or more sexually oriented offenses or child-victim oriented 3238
offenses and was classified a juvenile ~~sex~~ offender registrant or 3239
out-of-state juvenile ~~sex~~ offender registrant based on one or more 3240
of those adjudications, regardless of when the offense was 3241
committed and regardless of the person's age at the time of 3242
committing the offense. 3243

(b) Regarding a delinquent child, the person previously was 3244
convicted of, pleaded guilty to, or was adjudicated a delinquent 3245
child for committing one or more sexually oriented offenses or 3246
child-victim oriented offenses, regardless of when the offense was 3247
committed and regardless of the person's age at the time of 3248
committing the offense. 3249

(C) "Prosecutor" has the same meaning as in section 2935.01 3250
of the Revised Code. 3251

(D) "Sexually oriented offense" means any of the following: 3252

(1) Any of the following violations or offenses committed by 3253
a person eighteen years of age or older: 3254

(a) Regardless of the age of the victim of the offense, a 3255
violation of section 2907.02, 2907.03, ~~or~~ 2907.05, or 2907.07 of 3256
the Revised Code; 3257

(b) Any of the following offenses involving a minor, in the 3258
circumstances specified: 3259

(i) A violation of division (A)(4) of section 2905.01~~7~~ 3260

~~2905.02, 2905.03, 2905.05, or section 2907.04 or former section~~ 3261
~~2905.04, 2907.06, or 2907.08~~ of the Revised Code, when the victim 3262
of the offense is under eighteen years of age; 3263

(ii) A violation of section 2907.21 of the Revised Code when 3264
the person who is compelled, induced, procured, encouraged, 3265
solicited, requested, or facilitated to engage in, paid or agreed 3266
to be paid for, or allowed to engage in the sexual activity in 3267
question is under eighteen years of age; 3268

(iii) A violation of division (A)(1) or (3) of section 3269
2907.321 or 2907.322 of the Revised Code; 3270

(iv) A violation of division (A)(1) or (2) of section 3271
2907.323 of the Revised Code; 3272

(v) A violation of division (B)(5) of section 2919.22 of the 3273
Revised Code when the child who is involved in the offense is 3274
under eighteen years of age; 3275

(vi) A violation of division ~~(D) or (E)~~ of section ~~2907.07~~ of 3276
~~the Revised Code~~ (A)(1), (2), (3), or (5) of section 2905.01, of 3277
section 2903.211, 2905.02, 2905.03, or 2905.05, or of former 3278
section 2905.04 of the Revised Code, when the victim of the 3279
offense is under eighteen years of age and the offense is 3280
committed with a sexual motivation. 3281

(c) Regardless of the age of the victim of the offense, a 3282
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the 3283
Revised Code, or of division (A) of section 2903.04 of the Revised 3284
Code, that is committed with a ~~purpose to gratify the sexual needs~~ 3285
~~or desires of the offender~~ sexual motivation; 3286

(d) A sexually violent offense; 3287

(e) A violation of section 2907.06 or 2907.08 of the Revised 3288
Code when the victim of the offense is eighteen years of age or 3289
older, or a violation of section 2903.211 of the Revised Code when 3290

the victim of the offense is eighteen years of age or older and 3291
the offense is committed with a sexual motivation; 3292

(f) A violation of any former law of this state, any existing 3293
or former municipal ordinance or law of another state or the 3294
United States, ~~or~~ any existing or former law applicable in a 3295
military court or in an Indian tribal court, or any existing or 3296
former law of any nation other than the United States, that is or 3297
was substantially equivalent to any offense listed in division 3298
(D)(1)(a), (b), (c), ~~or (d)~~, or (e) of this section; 3299

~~(f)~~(g) An attempt to commit, conspiracy to commit, or 3300
complicity in committing any offense listed in division (D)(1)(a), 3301
(b), (c), (d), ~~or (e)~~, or (f) of this section. 3302

(2) An act committed by a person under eighteen years of age 3303
that is any of the following: 3304

(a) Subject to division (D)(2)~~(h)~~(i) of this section, 3305
regardless of the age of the victim of the violation, a violation 3306
of section 2907.02, 2907.03, ~~or~~ 2907.05, or 2907.07 of the Revised 3307
Code; 3308

(b) Subject to division (D)(2)~~(h)~~(i) of this section, any of 3309
the following acts involving a minor in the circumstances 3310
specified: 3311

(i) A violation of division (A)(4) of section 2905.01 or 3312
~~2905.02~~ section 2907.06 or 2907.08 of the Revised Code, ~~or of~~ 3313
~~former section 2905.04 of the Revised Code,~~ when the victim of the 3314
violation is under eighteen years of age; 3315

(ii) A violation of section 2907.21 of the Revised Code when 3316
the person who is compelled, induced, procured, encouraged, 3317
solicited, requested, or facilitated to engage in, paid or agreed 3318
to be paid for, or allowed to engage in the sexual activity in 3319
question is under eighteen years of age; 3320

(iii) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the violation is under eighteen years of age; 3321
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(iv) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, section 2903.211, or former section 2905.04 of the Revised Code, when the victim of the violation is under eighteen years of age and the offense is committed with a sexual motivation. 3324
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(c) Subject to division (D)(2)~~(h)~~(i) of this section, any sexually violent offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree; 3329
3330
3331

(d) Subject to division (D)(2)~~(h)~~(i) of this section, a violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 2905.02 of the Revised Code, a violation of division (A) of section 2903.04 of the Revised Code, or an attempt to violate any of those sections or that division that is committed with a ~~purpose to gratify the sexual needs or desires of the child committing the violation~~ sexual motivation; 3332
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(e) Subject to division (D)(2)~~(h)~~(i) of this section, a violation of division (A)(1) or (3) of section 2907.321, division (A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of section 2907.323 of the Revised Code, or an attempt to violate any of those divisions, if the person who violates or attempts to violate the division is four or more years older than the minor who is the victim of the violation; 3339
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(f) Subject to division (D)(2)(i) of this section, a violation of section 2907.06 or 2907.08 of the Revised Code when the victim of the violation is eighteen years of age or older, or a violation of section 2903.211 of the Revised Code when the victim of the violation is eighteen years of age or older and the offense is committed with a sexual motivation; 3346
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(g) Subject to division (D)(2)~~(h)~~(i) of this section, any 3352
violation of any former law of this state, any existing or former 3353
municipal ordinance or law of another state or the United States, 3354
~~or~~ any existing or former law applicable in a military court or in 3355
an Indian tribal court, or any existing or former law of any 3356
nation other than the United States, that is or was substantially 3357
equivalent to any offense listed in division (D)(2)(a), (b), (c), 3358
(d), ~~or~~ (e), or (f) of this section and that, if committed by an 3359
adult, would be a felony of the first, second, third, or fourth 3360
degree; 3361

~~(g)~~(h) Subject to division (D)(2)~~(h)~~(i) of this section, any 3362
attempt to commit, conspiracy to commit, or complicity in 3363
committing any offense listed in division (D)(2)(a), (b), (c), 3364
(d), (e), ~~or~~ (f), or (g) of this section; 3365

~~(h)~~(i) If the child's case has been transferred for criminal 3366
prosecution under section 2152.12 of the Revised Code, the act is 3367
any violation listed in division (D)(1)(a), (b), (c), (d), (e), ~~or~~ 3368
(f), or (g) of this section or would be any offense listed in any 3369
of those divisions if committed by an adult. 3370

(E) "Sexual predator" means a person to whom either of the 3371
following applies: 3372

(1) The person has been convicted of or pleaded guilty to 3373
committing a sexually oriented offense that is not a 3374
registration-exempt sexually oriented offense and is likely to 3375
engage in the future in one or more sexually oriented offenses. 3376

(2) The person has been adjudicated a delinquent child for 3377
committing a sexually oriented offense that is not a 3378
registration-exempt sexually oriented offense, was fourteen years 3379
of age or older at the time of committing the offense, was 3380
classified a juvenile ~~sex~~ offender registrant based on that 3381
adjudication, and is likely to engage in the future in one or more 3382

sexually oriented offenses. 3383

(F) "Supervised release" means a release of an offender from 3384
a prison term, a term of imprisonment, or another type of 3385
confinement that satisfies either of the following conditions: 3386

(1) The release is on parole, a conditional pardon, or 3387
probation, under transitional control, or under a post-release 3388
control sanction, and it requires the person to report to or be 3389
supervised by a parole officer, probation officer, field officer, 3390
or another type of supervising officer. 3391

(2) The release is any type of release that is not described 3392
in division (F)(1) of this section and that requires the person to 3393
report to or be supervised by a probation officer, a parole 3394
officer, a field officer, or another type of supervising officer. 3395

(G) An offender or delinquent child is "adjudicated as being 3396
a sexual predator" or "adjudicated a sexual predator" if any of 3397
the following applies and if, regarding a delinquent child, that 3398
status has not been removed pursuant to section 2152.84, 2152.85, 3399
or 2950.09 of the Revised Code: 3400

(1) The offender is convicted of or pleads guilty to 3401
committing, on or after January 1, 1997, a sexually oriented 3402
offense that is a sexually violent offense and that is not a 3403
registration-exempt sexually oriented offense and also is 3404
convicted of or pleads guilty to a sexually violent predator 3405
specification that was included in the indictment, count in the 3406
indictment, or information that charged the sexually violent 3407
offense. 3408

(2) Regardless of when the sexually oriented offense was 3409
committed, on or after January 1, 1997, the offender is sentenced 3410
for a sexually oriented offense that is not a registration-exempt 3411
sexually oriented offense, and the sentencing judge determines 3412
pursuant to division (B) of section 2950.09 of the Revised Code 3413

that the offender is a sexual predator. 3414

(3) The delinquent child is adjudicated a delinquent child 3415
for committing a sexually oriented offense that is not a 3416
registration-exempt sexually oriented offense, was fourteen years 3417
of age or older at the time of committing the offense, and has 3418
been classified a juvenile ~~sex~~ offender registrant based on that 3419
adjudication, and the adjudicating judge or that judge's successor 3420
in office determines pursuant to division (B) of section 2950.09 3421
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 3422
the Revised Code that the delinquent child is a sexual predator. 3423

(4) Prior to January 1, 1997, the offender was convicted of 3424
or pleaded guilty to, and was sentenced for, a sexually oriented 3425
offense that is not a registration-exempt sexually oriented 3426
offense, the offender is imprisoned in a state correctional 3427
institution on or after January 1, 1997, and the court determines 3428
pursuant to division (C) of section 2950.09 of the Revised Code 3429
that the offender is a sexual predator. 3430

(5) Regardless of when the sexually oriented offense was 3431
committed, the offender or delinquent child is convicted of or 3432
pleads guilty to, has been convicted of or pleaded guilty to, or 3433
is adjudicated a delinquent child for committing a sexually 3434
oriented offense that is not a registration-exempt sexually 3435
oriented offense in another state ~~or~~, in a federal court, military 3436
court, or ~~an~~ Indian tribal court, or in a court in any nation 3437
other than the United States, as a result of that conviction, plea 3438
of guilty, or adjudication, the offender or delinquent child is 3439
required~~7~~ under the law of the jurisdiction in which the offender 3440
was convicted or pleaded guilty or the delinquent child was 3441
adjudicated~~7~~ to register as a sex offender until the offender's or 3442
delinquent child's death ~~and to verify the offender's or~~ 3443
~~delinquent child's address on at least a quarterly basis each~~ 3444
~~year~~, and, on or after July 1, 1997, for offenders or January 1, 3445

2002, for delinquent children, the offender or delinquent child 3446
moves to and resides in this state or temporarily is domiciled in 3447
this state for more than ~~seven~~ five days or the offender is 3448
required under section 2950.04 of the Revised Code to register a 3449
school, institution of higher education, or place of employment 3450
address in this state, unless a court of common pleas or juvenile 3451
court determines that the offender or delinquent child is not a 3452
sexual predator pursuant to division (F) of section 2950.09 of the 3453
Revised Code. 3454

(H) "Sexually violent predator specification," ~~and~~ "sexually 3455
violent offense," "sexual motivation," and "violent sex offense" 3456
have the same meanings as in section 2971.01 of the Revised Code. 3457

(I) "Post-release control sanction" and "transitional 3458
control" have the same meanings as in section 2967.01 of the 3459
Revised Code. 3460

(J) "Juvenile ~~sex~~ offender registrant" means a person who is 3461
adjudicated a delinquent child for committing on or after January 3462
1, 2002, a sexually oriented offense that is not a 3463
registration-exempt sexually oriented offense or a child-victim 3464
oriented offense, who is fourteen years of age or older at the 3465
time of committing the offense, and who a juvenile court judge, 3466
pursuant to an order issued under section 2152.82, 2152.83, 3467
2152.84, or 2152.85 of the Revised Code, classifies a juvenile ~~sex~~ 3468
offender registrant and specifies has a duty to ~~register under~~ 3469
~~section~~ comply with sections 2950.04, 2950.05, and 2950.06 of the 3470
Revised Code if the child committed a sexually oriented offense or 3471
with sections 2950.041, 2950.05, and 2950.06 of the Revised Code 3472
if the child committed a child-victim oriented offense. "Juvenile 3473
offender registrant" includes a person who, prior to the effective 3474
date of this amendment, was a "juvenile sex offender registrant" 3475
under the former definition of that former term. 3476

(K) "Secure facility" means any facility that is designed and 3477

operated to ensure that all of its entrances and exits are locked 3478
and under the exclusive control of its staff and to ensure that, 3479
because of that exclusive control, no person who is 3480
institutionalized or confined in the facility may leave the 3481
facility without permission or supervision. 3482

(L) "Out-of-state juvenile ~~sex~~ offender registrant" means a 3483
person who is adjudicated a delinquent child ~~for committing a~~ 3484
~~sexually oriented offense in a court in~~ another state ~~or~~, in a 3485
federal court, military court, or Indian tribal court, or in a 3486
court in any nation other than the United States for committing a 3487
sexually oriented offense that is not a registration-exempt 3488
sexually oriented offense or a child-victim oriented offense, who 3489
on or after January 1, 2002, moves to and resides in this state or 3490
temporarily is domiciled in this state for more than ~~seven~~ five 3491
days, and who has a duty under section 2950.04 of the Revised Code 3492
~~has a duty~~ to register in this state ~~as described in that section~~ 3493
and the duty to otherwise comply with that section and sections 3494
2950.05 and 2950.06 of the Revised Code if the child committed a 3495
sexually oriented offense or has a duty under section 2950.041 of 3496
the Revised Code to register in this state and the duty to 3497
otherwise comply with that section and sections 2950.05 and 3498
2950.06 of the Revised Code if the child committed a child-victim 3499
oriented offense. "Out-of-state juvenile offender registrant" 3500
includes a person who, prior to the effective date of this 3501
amendment, was an "out-of-state juvenile sex offender registrant" 3502
under the former definition of that former term. 3503

(M) "Juvenile court judge" includes a magistrate to whom the 3504
juvenile court judge confers duties pursuant to division (A)(15) 3505
of section 2151.23 of the Revised Code. 3506

(N) "Adjudicated a delinquent child for committing a sexually 3507
oriented offense" includes a child who receives a serious youthful 3508
offender dispositional sentence under section 2152.13 of the 3509

Revised Code for committing a sexually oriented offense. 3510

(O) "Aggravated sexually oriented offense" means a violation 3511
of division (A)(1)(b) of section 2907.02 of the Revised Code 3512
committed on or after June 13, 2002, or a violation of division 3513
(A)(2) of that section committed on or after the effective date of 3514
this amendment. 3515

(P)(1) "Presumptive registration-exempt sexually oriented 3516
offense" means any of the following sexually oriented offenses 3517
described in division (P)(1)(a), (b), (c), (d), or (e) of this 3518
section, when the offense is committed by a person who previously 3519
has not been convicted of, pleaded guilty to, or adjudicated a 3520
delinquent child for committing any sexually oriented offense 3521
described in division (P)(1)(a), (b), (c), (d), or (e) of this 3522
section, any other sexually oriented offense, or any child-victim 3523
oriented offense and when the victim or intended victim of the 3524
offense is eighteen years of age or older: 3525

(a) Any sexually oriented offense listed in division 3526
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 3527
is eighteen years of age or older or, subject to division 3528
(P)(1)(e) of this section, committed by a person who is under 3529
eighteen years of age; 3530

(b) Any violation of any former law of this state, any 3531
existing or former municipal ordinance or law of another state or 3532
the United States, any existing or former law applicable in a 3533
military court or in an Indian tribal court, or any existing or 3534
former law of any nation other than the United States that is 3535
committed by a person who is eighteen years of age or older and 3536
that is or was substantially equivalent to any sexually oriented 3537
offense listed in division (P)(1)(a) of this section; 3538

(c) Subject to division (P)(1)(e) of this section, any 3539
violation of any former law of this state, any existing or former 3540

municipal ordinance or law of another state or the United States, 3541
any existing or former law applicable in a military court or in an 3542
Indian tribal court, or any existing or former law of any nation 3543
other than the United States that is committed by a person who is 3544
under eighteen years of age, that is or was substantially 3545
equivalent to any sexually oriented offense listed in division 3546
(P)(1)(a) of this section, and that would be a felony of the 3547
fourth degree if committed by an adult; 3548

(d) Any attempt to commit, conspiracy to commit, or 3549
complicity in committing any offense listed in division (P)(1)(a) 3550
or (b) of this section if the person is eighteen years of age or 3551
older or, subject to division (P)(1)(e) of this section, listed in 3552
division (P)(1)(a) or (c) of this section if the person is under 3553
eighteen years of age. 3554

(e) Regarding an act committed by a person under eighteen 3555
years of age, if the child's case has been transferred for 3556
criminal prosecution under section 2152.12 of the Revised Code, 3557
the act is any sexually oriented offense listed in division 3558
(P)(1)(a), (b), or (d) of this section. 3559

(2) "Presumptive registration-exempt sexually oriented 3560
offense" does not include any sexually oriented offense described 3561
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 3562
is committed by a person who previously has been convicted of, 3563
pleaded guilty to, or adjudicated a delinquent child for 3564
committing any sexually oriented offense described in division 3565
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 3566
sexually oriented offense. 3567

(O)(1) "Registration-exempt sexually oriented offense" means 3568
any presumptive registration-exempt sexually oriented offense, if 3569
a court does not issue an order under section 2950.021 of the 3570
Revised Code that removes the presumptive exemption and subjects 3571
the offender who was convicted of or pleaded guilty to the offense 3572

to registration under section 2950.04 of the Revised Code and all 3573
other duties and responsibilities generally imposed under this 3574
chapter upon persons who are convicted of or plead guilty to any 3575
sexually oriented offense other than a presumptive 3576
registration-exempt sexually oriented offense or that removes the 3577
presumptive exemption and potentially subjects the child who was 3578
adjudicated a delinquent child for committing the offense to 3579
classification as a juvenile offender registrant under sections 3580
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 3581
registration under section 2950.04 of the Revised Code and all 3582
other duties and responsibilities generally imposed under this 3583
chapter upon persons who are adjudicated delinquent children for 3584
committing a sexually oriented offense other than a presumptive 3585
registration-exempt sexually oriented offense. 3586

(2) "Registration-exempt sexually oriented offense" does not 3587
include a presumptive registration-exempt sexually oriented 3588
offense if a court issues an order under section 2950.021 of the 3589
Revised Code that removes the presumptive exemption and subjects 3590
the offender or potentially subjects the delinquent child to the 3591
duties and responsibilities described in division (O)(1) of this 3592
section. 3593

(R) "School" and "school premises" have the same meanings as 3594
in section 2925.01 of the Revised Code. 3595

(S)(1) "Child-victim oriented offense" means any of the 3596
following: 3597

(a) Subject to division (S)(2) of this section, any of the 3598
following violations or offenses committed by a person eighteen 3599
years of age or older, when the victim of the violation is under 3600
eighteen years of age and is not a child of the person who commits 3601
the violation: 3602

(i) A violation of division (A)(1), (2), (3), or (5) of 3603

section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 3604
former section 2905.04 of the Revised Code; 3605

(ii) A violation of any former law of this state, any 3606
existing or former municipal ordinance or law of another state or 3607
the United States, any existing or former law applicable in a 3608
military court or in an Indian tribal court, or any existing or 3609
former law of any nation other than the United States, that is or 3610
was substantially equivalent to any offense listed in division 3611
(S)(1)(a)(i) of this section; 3612

(iii) An attempt to commit, conspiracy to commit, or 3613
complicity in committing any offense listed in division 3614
(S)(1)(a)(i) or (ii) of this section. 3615

(b) Subject to division (S)(2) of this section, an act 3616
committed by a person under eighteen years of age that is any of 3617
the following, when the victim of the violation is under eighteen 3618
years of age and is not a child of the person who commits the 3619
violation: 3620

(i) Subject to division (S)(1)(b)(iv) of this section, a 3621
violation of division (A)(1), (2), (3), or (5) of section 2905.01 3622
or of former section 2905.04 of the Revised Code; 3623

(ii) Subject to division (S)(1)(b)(iv) of this section, any 3624
violation of any former law of this state, any existing or former 3625
municipal ordinance or law of another state or the United States, 3626
any existing or former law applicable in a military court or in an 3627
Indian tribal court, or any existing or former law of any nation 3628
other than the United States, that is or was substantially 3629
equivalent to any offense listed in division (S)(1)(b)(i) of this 3630
section and that, if committed by an adult, would be a felony of 3631
the first, second, third, or fourth degree; 3632

(iii) Subject to division (S)(1)(b)(iv) of this section, any 3633
attempt to commit, conspiracy to commit, or complicity in 3634

committing any offense listed in division (S)(1)(b)(i) or (ii) of 3635
this section; 3636

(iv) If the child's case has been transferred for criminal 3637
prosecution under section 2152.12 of the Revised Code, the act is 3638
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 3639
this section or would be any offense listed in any of those 3640
divisions if committed by an adult. 3641

(2) "Child-victim oriented offense" does not include any 3642
offense identified in division (S)(1)(a) or (b) of this section 3643
that is a sexually violent offense. An offense identified in 3644
division (S)(1)(a) or (b) of this section that is a sexually 3645
violent offense is within the definition of a sexually oriented 3646
offense. 3647

(T)(1) "Habitual child-victim offender" means, except when a 3648
juvenile judge removes this classification pursuant to division 3649
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 3650
the Revised Code, a person to whom both of the following apply: 3651

(a) The person is convicted of or pleads guilty to a 3652
child-victim oriented offense, or the person is adjudicated a 3653
delinquent child for committing on or after January 1, 2002, a 3654
child-victim oriented offense, was fourteen years of age or older 3655
at the time of committing the offense, and is classified a 3656
juvenile offender registrant based on that adjudication. 3657

(b) One of the following applies to the person: 3658

(i) Regarding a person who is an offender, the person 3659
previously was convicted of or pleaded guilty to one or more 3660
child-victim oriented offenses or previously was adjudicated a 3661
delinquent child for committing one or more child-victim oriented 3662
offenses and was classified a juvenile offender registrant or 3663
out-of-state juvenile offender registrant based on one or more of 3664
those adjudications, regardless of when the offense was committed 3665

and regardless of the person's age at the time of committing the offense. 3666
3667

(ii) Regarding a delinquent child, the person previously was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing one or more child-victim oriented offenses, regardless of when the offense was committed and regardless of the person's age at the time of committing the offense. 3668
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(2) "Habitual child-victim offender" includes a person who has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing, a child-victim oriented offense and who, on and after the effective date of this amendment, is automatically classified a habitual child-victim offender pursuant to division (E) of section 2950.091 of the Revised Code. 3673
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(U) "Child-victim predator" means a person to whom either of the following applies: 3679
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(1) The person has been convicted of or pleaded guilty to committing a child-victim oriented offense and is likely to engage in the future in one or more child-victim oriented offenses. 3681
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(2) The person has been adjudicated a delinquent child for committing a child-victim oriented offense, was fourteen years of age or older at the time of committing the offense, was classified a juvenile offender registrant based on that adjudication, and is likely to engage in the future in one or more child-victim oriented offenses. 3684
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(V) An offender or delinquent child is "adjudicated as being a child-victim predator" or "adjudicated a child-victim predator" if any of the following applies and if, regarding a delinquent child, that status has not been removed pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised Code: 3690
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(1) The offender or delinquent child has been convicted of, pleaded guilty to, or adjudicated a delinquent child for 3695
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committing, a child-victim oriented offense and, on and after the 3697
effective date of this amendment, is automatically classified a 3698
child-victim predator pursuant to division (A) of section 2950.091 3699
of the Revised Code. 3700

(2) Regardless of when the child-victim oriented offense was 3701
committed, on or after the effective date of this amendment, the 3702
offender is sentenced for a child-victim oriented offense, and the 3703
sentencing judge determines pursuant to division (B) of section 3704
2950.091 of the Revised Code that the offender is a child-victim 3705
predator. 3706

(3) The delinquent child is adjudicated a delinquent child 3707
for committing a child-victim oriented offense, was fourteen years 3708
of age or older at the time of committing the offense, and has 3709
been classified a juvenile offender registrant based on that 3710
adjudication, and the adjudicating judge or that judge's successor 3711
in office determines pursuant to division (B) of section 2950.09 3712
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 3713
the Revised Code that the delinquent child is a child-victim 3714
predator. 3715

(4) Prior to the effective date of this section, the offender 3716
was convicted of or pleaded guilty to a child-victim oriented 3717
offense, at the time of the conviction or guilty plea, the offense 3718
was considered a sexually oriented offense, on or after the 3719
effective date of this amendment, the offender is serving a term 3720
of imprisonment in a state correctional institution, and the court 3721
determines pursuant to division (C) of section 2950.091 of the 3722
Revised Code that the offender is a child-victim predator. 3723

(5) Regardless of when the child-victim oriented offense was 3724
committed, the offender or delinquent child is convicted, pleads 3725
guilty, has been convicted, pleaded guilty, or adjudicated a 3726
delinquent child in a court in another state, in a federal court, 3727
military court, or Indian tribal court, or in a court in any 3728

nation other than the United States for committing a child-victim 3729
oriented offense, as a result of that conviction, plea of guilty, 3730
or adjudication, the offender or delinquent child is required 3731
under the law of the jurisdiction in which the offender was 3732
convicted or pleaded guilty or the delinquent child was 3733
adjudicated, to register as a child-victim offender or sex 3734
offender until the offender's or delinquent child's death, and, on 3735
or after July 1, 1997, for offenders or January 1, 2002, for 3736
delinquent children the offender or delinquent child moves to and 3737
resides in this state or temporarily is domiciled in this state 3738
for more than five days or the offender is required under section 3739
2950.041 of the Revised Code to register a school, institution of 3740
higher education, or place of employment address in this state, 3741
unless a court of common pleas or juvenile court determines that 3742
the offender or delinquent child is not a child-victim predator 3743
pursuant to division (F) of section 2950.091 of the Revised Code. 3744

(W) "Residential premises" means the building in which a 3745
residential unit is located and the grounds upon which that 3746
building stands, extending to the perimeter of the property. 3747
"Residential premises" includes any type of structure in which a 3748
residential unit is located, including, but not limited to, 3749
multi-unit buildings and mobile and manufactured homes. 3750

(X) "Residential unit" means a dwelling unit for residential 3751
use and occupancy, and includes the structure or part of a 3752
structure that is used as a home, residence, or sleeping place by 3753
one person who maintains a household or two or more persons who 3754
maintain a common household. 3755

(Y) "Multi-unit building" means a building in which is 3756
located more than twelve residential units that have entry doors 3757
that open directly into the unit from a hallway that is shared 3758
with one or more other units. A residential unit is not considered 3759
located in a multi-unit building if the unit does not have an 3760

entry door that opens directly into the unit from a hallway that 3761
is shared with one or more other units or if the unit is in a 3762
building that is not a multi-unit building as described in this 3763
division. 3764

Sec. 2950.02. (A) The general assembly hereby determines and 3765
declares that it recognizes and finds all of the following: 3766

(1) If the public is provided adequate notice and information 3767
about ~~sexual predators, habitual sex offenders, and certain other~~ 3768
offenders and delinquent children who commit sexually oriented 3769
offenses that are not registration-exempt sexually oriented 3770
offenses or who commit child-victim oriented offenses, members of 3771
the public and communities can develop constructive plans to 3772
prepare themselves and their children for the ~~sexual predator's,~~ 3773
~~habitual sex offender's, or other~~ offender's or delinquent child's 3774
release from imprisonment, a prison term, or other confinement or 3775
detention. This allows members of the public and communities to 3776
meet with members of law enforcement agencies to prepare and 3777
obtain information about the rights and responsibilities of the 3778
public and the communities and to provide education and counseling 3779
to their children. 3780

(2) ~~Sexual predators and habitual sex~~ Sex offenders and 3781
offenders who commit child-victim oriented offenses pose a ~~high~~ 3782
risk of engaging in further ~~offenses~~ sexually abusive behavior 3783
even after being released from imprisonment, a prison term, or 3784
other confinement or detention, ~~and that~~ protection of members of 3785
the public from ~~sexual predators and habitual~~ sex offenders and 3786
offenders who commit child-victim oriented offenses is a paramount 3787
governmental interest. 3788

(3) The penal, juvenile, and mental health components of the 3789
justice system of this state are largely hidden from public view, 3790
and a lack of information from any component may result in the 3791

failure of the system to satisfy this paramount governmental 3792
interest of public safety described in division (A)(2) of this 3793
section. 3794

(4) Overly restrictive confidentiality and liability laws 3795
governing the release of information about ~~sexual predators and~~ 3796
~~habitual~~ sex offenders and offenders who commit child-victim 3797
oriented offenses have reduced the willingness to release 3798
information that could be appropriately released under the public 3799
disclosure laws and have increased risks of public safety. 3800

(5) A person who is found to be a ~~sexual predator or a~~ 3801
~~habitual~~ sex offender or to have committed a child-victim oriented 3802
offense has a reduced expectation of privacy because of the 3803
public's interest in public safety and in the effective operation 3804
of government. 3805

(6) The release of information about ~~sexual predators and~~ 3806
~~habitual~~ sex offenders and offenders who commit child-victim 3807
oriented offenses to public agencies and the general public will 3808
further the governmental interests of public safety and public 3809
scrutiny of the criminal, juvenile, and mental health systems as 3810
long as the information released is rationally related to the 3811
furtherance of those goals. 3812

(B) The general assembly hereby declares that, in providing 3813
in this chapter for registration regarding ~~sexual predators,~~ 3814
~~habitual sex offenders,~~ and offenders and certain delinquent 3815
children who have committed sexually oriented offenses that are 3816
not registration-exempt sexually oriented offenses or who have 3817
committed child-victim oriented offenses and for community 3818
notification regarding sexual predators ~~and, child-victim~~ 3819
~~predators,~~ habitual sex offenders, and habitual child-victim 3820
offenders who are about to be or have been released from 3821
imprisonment, a prison term, or other confinement or detention and 3822
who will live in or near a particular neighborhood or who 3823

otherwise will live in or near a particular neighborhood, it is 3824
the general assembly's intent to protect the safety and general 3825
welfare of the people of this state. The general assembly further 3826
declares that it is the policy of this state to require the 3827
exchange in accordance with this chapter of relevant information 3828
about ~~sexual predators and habitual~~ sex offenders and offenders 3829
who commit child-victim oriented offenses among public agencies 3830
and officials and to authorize the release in accordance with this 3831
chapter of necessary and relevant information about ~~sexual~~ 3832
~~predators and habitual~~ sex offenders and offenders who commit 3833
child-victim oriented offenses to members of the general public as 3834
a means of assuring public protection and that the exchange or 3835
release of that information is not punitive. 3836

Sec. 2950.021. (A) If an offender is convicted of or pleads 3837
guilty to, or a child is adjudicated a delinquent child for 3838
committing, any presumptive registration-exempt sexually oriented 3839
offense, the court that is imposing sentence on the offender for 3840
that offense or the juvenile court that is making the disposition 3841
of the delinquent child for that offense may determine, prior to 3842
imposing the sentence or making the disposition, that the offender 3843
should be subjected to registration under section 2950.04 of the 3844
Revised Code and all other duties and responsibilities generally 3845
imposed under this chapter upon persons who are convicted of or 3846
plead guilty to any sexually oriented offense other than a 3847
presumptive registration-exempt sexually oriented offense or that 3848
the child potentially should be subjected to classification as a 3849
juvenile offender registrant under sections 2152.82, 2152.83, 3850
2152.84, or 2152.85 of the Revised Code and to registration under 3851
section 2950.04 of the Revised Code and all other duties and 3852
responsibilities generally imposed under this chapter upon persons 3853
who are adjudicated delinquent children for committing a sexually 3854
oriented offense other than a presumptive registration-exempt 3855

sexually oriented offense. The court may make a determination as 3856
described in this division without a hearing but may conduct a 3857
hearing on the matter. In making a determination under this 3858
division, the court shall consider all relevant factors, 3859
including, but not limited to, public safety, the interests of 3860
justice, and the determinations, findings, and declarations of the 3861
general assembly regarding sex offenders and child-victim 3862
offenders that are set forth in section 2950.02 of the Revised 3863
Code. 3864

(B) If a court determines under division (A) of this section 3865
that an offender who has been convicted of or pleaded guilty to a 3866
presumptive registration-exempt sexually oriented offense should 3867
be subjected to registration under section 2950.04 of the Revised 3868
Code and all other duties and responsibilities generally imposed 3869
under this chapter upon persons who are convicted of or plead 3870
guilty to any sexually oriented offense other than a presumptive 3871
registration-exempt sexually oriented offense or that a delinquent 3872
child potentially should be subjected to classification as a 3873
juvenile offender registrant under sections 2152.82, 2152.83, 3874
2152.84, or 2152.85 of the Revised Code and to registration under 3875
section 2950.04 of the Revised Code and all other duties and 3876
responsibilities generally imposed under this chapter upon persons 3877
who are adjudicated delinquent children for committing a sexually 3878
oriented offense other than a presumptive registration-exempt 3879
sexually oriented offense, all of the following apply: 3880

(1) The court shall issue an order that contains its 3881
determination and that removes the presumptive exemption from 3882
registration for the sexually oriented offense, shall include the 3883
order in the offender's sentence or in the delinquent child's 3884
dispositional order, and shall enter the order in the record in 3885
the case. 3886

(2) Regarding an offender, the presumptive exemption from 3887

registration is terminated, and the offender is subject to 3888
registration under section 2950.04 of the Revised Code and all 3889
other duties and responsibilities generally imposed under this 3890
chapter upon persons who are convicted of or plead guilty to any 3891
sexually oriented offense other than a presumptive 3892
registration-exempt sexually oriented offense. 3893

(3) Regarding a delinquent child, the presumptive exemption 3894
from registration is terminated, the delinquent child is 3895
potentially subject to classification as a juvenile offender 3896
registrant under sections 2152.82, 2152.83, 2152.84, or 2152.85 of 3897
the Revised Code and to registration under section 2950.04 of the 3898
Revised Code and all other duties and responsibilities generally 3899
imposed under this chapter upon persons who are adjudicated 3900
delinquent children for committing a sexually oriented offense 3901
other than a presumptive registration-exempt sexually oriented 3902
offense, and the juvenile court shall proceed as required and may 3903
proceed as authorized under section 2152.82, 2152.83, 2152.84, or 3904
2152.85 of the Revised Code regarding the child in the same manner 3905
as for persons who are adjudicated delinquent children for 3906
committing a sexually oriented offense other than a presumptive 3907
registration-exempt sexually oriented offense. 3908

Sec. 2950.03. (A) Each person who has been convicted of, is 3909
convicted of, has pleaded guilty to, or pleads guilty to a 3910
sexually oriented offense that is not a registration-exempt 3911
sexually oriented offense and who has a duty to register pursuant 3912
to section 2950.04 of the Revised Code, ~~and~~ each person who is 3913
adjudicated a delinquent child for committing a sexually oriented 3914
offense that is not a registration-exempt sexually oriented 3915
offense and who is classified ~~pursuant to section 2152.82 or~~ 3916
~~division (A) of section 2152.83 of the Revised Code a juvenile sex~~ 3917
offender registrant based on that adjudication, each person who 3918
has been convicted of, is convicted of, has pleaded guilty to, or 3919

pleads guilty to a child-victim oriented offense and has a duty to 3920
register pursuant to section 2950.041 of the Revised Code, and 3921
each person who is adjudicated a delinquent child for committing a 3922
child-victim oriented offense and who is classified a juvenile 3923
offender registrant based on that adjudication shall be provided 3924
notice in accordance with this section of the offender's or 3925
delinquent child's ~~duty to register under section~~ duties imposed 3926
under sections 2950.04 of the Revised Code, the offender's or 3927
delinquent child's duty to provide notice of any change in the 3928
offender's or delinquent child's residence address and to register 3929
the new residence address pursuant to section, 2950.041, 2950.05 3930
of the Revised Code, and the offender's or delinquent child's duty 3931
to periodically verify the offender's or delinquent child's 3932
residence address pursuant to section, and 2950.06 of the Revised 3933
Code and of the offender's duties to similarly register, provide 3934
notice of a change, and verify addresses in another state if the 3935
offender resides, is temporarily domiciled, attends a school or 3936
institution of higher education, or is employed in a state other 3937
than this state. A person who has been convicted of, is convicted 3938
of, has pleaded guilty to, or pleads guilty to a sexually oriented 3939
offense that is a registration-exempt sexually oriented offense, 3940
and a person who is or has been adjudicated a delinquent child for 3941
committing a sexually oriented offense that is a 3942
registration-exempt sexually oriented offense, does not have a 3943
duty to register under section 2950.04 of the Revised Code based 3944
on that conviction, guilty plea, or adjudication, and no notice is 3945
required to be provided to that person under this division based 3946
on that conviction, guilty plea, or adjudication. The following 3947
official shall provide the notice required under this division to 3948
the ~~offender or delinquent child~~ specified person at the following 3949
time: 3950

(1) Regardless of when the ~~offender~~ person committed the 3951
sexually oriented offense or child-victim oriented offense, if the 3952

person is an offender who is sentenced for the sexually oriented 3953
offense or child-victim oriented offense to a prison term, a term 3954
of imprisonment, or any other type of confinement, and if, on or 3955
after January 1, 1997, the offender is serving that term or is 3956
under that confinement, the official in charge of the jail, 3957
workhouse, state correctional institution, or other institution in 3958
which the offender serves the prison term, term of imprisonment, 3959
or confinement, or a designee of that official, shall provide the 3960
notice to the offender before the offender is released pursuant to 3961
any type of supervised release or before the offender otherwise is 3962
released from the prison term, term of imprisonment, or 3963
confinement. This division applies to a child-victim oriented 3964
offense if the offender is sentenced for the offense on or after 3965
the effective date of this amendment or if, prior to the effective 3966
date of this amendment, the child-victim oriented offense was a 3967
sexually oriented offense and the offender was sentenced as 3968
described in this division for the child-victim oriented offense 3969
when it was designated a sexually oriented offense. If a person 3970
was provided notice under this division prior to the effective 3971
date of this amendment in relation to an offense that, prior to 3972
the effective date of this amendment, was a sexually oriented 3973
offense but that, on and after the effective date of this 3974
amendment, is a child-victim oriented offense, the notice provided 3975
under this division shall suffice for purposes of this section as 3976
notice to the offender of the offender's duties under sections 3977
2950.041, 2950.05, and 2950.06 of the Revised Code imposed as a 3978
result of the conviction of or plea of guilty to the child-victim 3979
oriented offense. 3980

(2) Regardless of when the ~~offender~~ person committed the 3981
sexually oriented offense or child-victim oriented offense, if the 3982
person is an offender who is sentenced for the sexually oriented 3983
offense on or after January 1, 1997, or who is sentenced for the 3984
child-victim oriented offense on or after the effective date of 3985

this amendment and if division (A)(1) of this section does not 3986
apply, the judge shall provide the notice to the offender at the 3987
time of sentencing. If a person was provided notice under this 3988
division prior to the effective date of this amendment in relation 3989
to an offense that, prior to the effective date of this amendment, 3990
was a sexually oriented offense but that, on and after the 3991
effective date of this amendment, is a child-victim oriented 3992
offense, the notice so provided under this division shall suffice 3993
for purposes of this section as notice to the offender of the 3994
offender's duties under sections 2950.041, 2950.05, and 2950.06 of 3995
the Revised Code imposed as a result of the conviction of or plea 3996
of guilty to the child-victim oriented offense. 3997

(3) If the person is an offender who committed the sexually 3998
oriented offense prior to January 1, 1997, if neither division 3999
(A)(1) nor division (A)(2) of this section applies, and if, 4000
immediately prior to January 1, 1997, the offender was a habitual 4001
sex offender who was required to register under Chapter 2950. of 4002
the Revised Code, the chief of police or sheriff with whom the 4003
offender most recently registered under that chapter, in the 4004
circumstances described in this division, shall provide the notice 4005
to the offender. If the offender has registered with a chief of 4006
police or sheriff under Chapter 2950. of the Revised Code as it 4007
existed prior to January 1, 1997, the chief of police or sheriff 4008
with whom the offender most recently registered shall provide the 4009
notice to the offender as soon as possible after January 1, 1997, 4010
as described in division (B)(1) of this section. If the offender 4011
has not registered with a chief of police or sheriff under that 4012
chapter, the failure to register shall constitute a waiver by the 4013
offender of any right to notice under this section. If an offender 4014
described in this division does not receive notice under this 4015
section, the offender is not relieved of the ~~duty to register, the~~ 4016
~~duty to provide notice of any change in residence address and to~~ 4017
~~register the new residence address, and the duty to periodically~~ 4018

~~verify the residence address, as described in division (A) of this section offender's duties imposed under sections 2950.04, 2950.05, and 2950.06 of the Revised Code.~~

(4) If the person is an offender of the type described in division (A)(1) of this section and if, subsequent to release, the offender is adjudicated ~~as being~~ a sexual predator pursuant to division (C) of section 2950.09 of the Revised Code or a child-victim predator pursuant to division (C) of section 2950.091 of the Revised Code, the judge shall provide the notice to the offender at the time of adjudication.

(5) If the person is a delinquent child who is classified ~~pursuant to section 2152.82 or division (A) of section 2152.83 of the Revised Code~~ a juvenile ~~sex~~ offender registrant, the judge shall provide the notice to the delinquent child at the time ~~of the classification~~ specified in division (B) of section 2152.82, division (D) of section 2152.83, division (C) of section 2152.84, or division (E) of section 2152.85 of the Revised Code, whichever is applicable. If a delinquent child was provided notice under this division prior to the effective date of this amendment in relation to an offense that, prior to the effective date of this amendment, was a sexually oriented offense but that, on and after the effective date of this amendment, is a child-victim oriented offense, the notice so provided under this division shall suffice for purposes of this section as notice to the delinquent child of the delinquent child's duties under sections 2950.041, 2950.05, and 2950.06 of the Revised Code imposed as a result of the adjudication as a delinquent child for the child-victim oriented offense.

(6) If the person is an offender in any category described in division (A)(1), (2), (3), or (4) of this section and if, prior to the effective date of this amendment, the offender was provided notice of the offender's duties in accordance with that division,

not later than ninety days after the effective date of this 4051
amendment, the sheriff with whom the offender most recently 4052
registered or verified an address under section 2950.04, 2950.041, 4053
2950.05, or 2950.06 of the Revised Code shall provide notice to 4054
the offender of the offender's duties imposed on and after the 4055
effective date of this amendment pursuant to any of those sections 4056
to register a school, institution of higher education, or place of 4057
employment address, provide notice of a change of that address, 4058
and verify that address. The sheriff may provide the notice to the 4059
offender at the time the offender registers, provides notice of a 4060
change in, or verifies a residence, school, institution of higher 4061
education, or place of employment address under any of those 4062
sections within the specified ninety-day period. If the offender 4063
does not so register, provide notice of a change in, or verify an 4064
address within the specified ninety-day period, the sheriff shall 4065
provide the notice to the offender by sending it to the offender 4066
at the most recent residence address available for the offender. 4067
If the offender was required to register prior to the effective 4068
date of this amendment and failed to do so, the failure to 4069
register constitutes a waiver by the offender of any right to 4070
notice under this division. If the offender has not registered 4071
prior to the effective date of this amendment, the offender is 4072
presumed to have knowledge of the law and of the duties referred 4073
to in this division that are imposed on and after the effective 4074
date of this amendment. If an offender does not receive notice 4075
under this division, the offender is not relieved of any of the 4076
duties described in this division. 4077

(7) If the person is an offender or delinquent child who has 4078
a duty to register in this state pursuant to division (A)(3) of 4079
section 2950.04 or 2950.041 of the Revised Code, the offender or 4080
delinquent child is presumed to have knowledge of the law and of 4081
the offender's or delinquent child's duties imposed under sections 4082
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 4083

(B)(1) The notice provided under division (A) of this section shall inform the offender or delinquent child of the offender's or delinquent child's duty to register ~~under section 2950.04 of the Revised Code~~, to ~~notify the appropriate officials~~ provide notice of a change in the offender's or delinquent child's residence address or in the offender's school, institution of higher education, or place of employment address, as applicable, and to register the new residence address in accordance with section 2950.05 of the Revised Code, and to periodically verify a the offender's or delinquent child's residence address ~~under section or the offender's school, institution of higher education, or place of employment address, as applicable, and, if applicable, to provide notice of the offender's or delinquent child's intent to reside, pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. The notice shall specify that, for an offender, it applies regarding residence addresses or school, institution of higher education, and place of employment addresses and that, for a delinquent child, it applies regarding residence addresses. Additionally, it shall inform the offender of the offender's duties to similarly register, provide notice of a change in, and verify those addresses in states other than this state as described in division (A) of this section. A notice provided under division (A)(6) of this section shall state the new duties imposed on the offender on and after the effective date of this amendment to register, provide notice of a change in, and periodically verify, a school, institution of higher education, or place of employment address and specify that the new duties are in addition to the prior duties imposed upon the offender. A notice provided under division (A)(1), (2), (3), (4), or (5) of this section shall comport with the following:~~

(a) If the notice is provided to an offender under division (A)(3) of this section, the notice shall ~~be on a form that is~~

~~prescribed by the bureau of criminal identification and~~ 4116
~~investigation and that states~~ state the offender's duties to 4117
register, to file a notice of intent to reside, if applicable, to 4118
register a new residence address or new school, institution of 4119
higher education, or place of employment address, and to 4120
periodically verify ~~a residence address~~ those addresses, the 4121
offender's duties in other states as described in division (A) of 4122
this section, and that, if the offender has any questions 4123
concerning these duties, the offender may contact the chief of 4124
police or sheriff who sent the form for an explanation of the 4125
duties. If the offender appears in person before the chief of 4126
police or sheriff, the chief or sheriff shall provide the notice 4127
as described in division (B)(1)(a) of this section, and all 4128
provisions of this section that apply regarding a notice provided 4129
by an official, official's designee, or judge in that manner shall 4130
be applicable. 4131

(b) If the notice is provided to an offender under division 4132
(A)(1), (2), or (4) of this section, the official, official's 4133
designee, or judge shall require the offender to read and sign a 4134
form ~~prescribed by the bureau of criminal identification and~~ 4135
~~investigation,~~ stating that the offender's duties to register, to 4136
file a notice of intent to reside, if applicable, to register a 4137
new residence address or new school, institution of higher 4138
education, or place of employment address, and to periodically 4139
verify ~~a residence address~~ those addresses, and the offender's 4140
duties in other states as described in division (A) of this 4141
section have been explained to the offender. If the offender is 4142
unable to read, the official, official's designee, or judge shall 4143
certify on the form that the official, designee, or judge 4144
specifically informed the offender of those duties and that the 4145
offender indicated an understanding of those duties. 4146

(c) If the notice is provided to a delinquent child under 4147

division (A)(5) of this section, the judge shall require the 4148
delinquent child and the delinquent child's parent, guardian, or 4149
custodian to read and sign a form ~~prescribed by the bureau of~~ 4150
~~criminal identification and investigation~~, stating that the 4151
delinquent child's duties to register, to file a notice of intent 4152
to reside, if applicable, to register a new residence address, and 4153
to periodically verify ~~a residence~~ that address have been 4154
explained to the delinquent child and to the delinquent child's 4155
parent, guardian, or custodian. If the delinquent child or the 4156
delinquent child's parent, guardian, or custodian is unable to 4157
read, the judge shall certify on the form that the judge 4158
specifically informed the delinquent child or the delinquent 4159
child's parent, guardian, or custodian of those duties and that 4160
the delinquent child or the delinquent child's parent, guardian, 4161
or custodian indicated an understanding of those duties. 4162

~~(d) For any (2) The notice provided under division divisions~~ 4163
~~(A)(1) to (6) of this section, the form used shall be on a form~~ 4164
~~prescribed by the bureau of criminal identification and~~ 4165
~~investigation and shall contain all of the information specified~~ 4166
~~in division (A) of this section and all of the information~~ 4167
~~required by the bureau of criminal identification and~~ 4168
~~investigation, including, but. The notice provided under divisions~~ 4169
~~(A)(1) to (5) of this section shall include, but is not limited~~ 4170
~~to, a statement that the subject delinquent child if applicable~~ 4171
~~has been classified by the adjudicating juvenile court judge or~~ 4172
~~the judge's successor in office a juvenile sex offender registrant~~ 4173
~~and has a duty to register all of the following:~~ 4174

(a) For any notice provided under division (A)(1) to (5) of 4175
this section, a statement as to whether the offender or delinquent 4176
child has been adjudicated ~~as being~~ a sexual predator or a 4177
child-victim predator relative to the sexually oriented offense or 4178
child-victim oriented offense in question, a statement as to 4179

whether the offender or delinquent child has been determined to be 4180
a habitual sex offender or habitual child-victim offender, a 4181
statement as to whether the offense for which the offender has the 4182
duty to register is an aggravated sexually oriented offense 4183
~~committed on or after the effective date of this amendment~~, an 4184
explanation of the offender's periodic residence address or 4185
periodic school, institution of higher education, or place of 4186
employment address verification process and or of the delinquent 4187
child's periodic residence address verification process, an 4188
explanation of the frequency with which the offender or delinquent 4189
child will be required to verify ~~the residence address~~ those 4190
addresses under that process, ~~and~~ a statement that the offender or 4191
delinquent child must verify ~~the residence address~~ those addresses 4192
at the times specified under that process or face criminal 4193
prosecution or a delinquent child proceeding, and an explanation 4194
of the offender's duty to similarly register, verify, and 4195
reregister those addresses in another state if the offender 4196
resides in another state, attends a school or institution of 4197
higher education in another state, or is employed in another 4198
state. 4199

~~(e)~~(b) If the notice is provided under division (A)(4) of 4200
this section, ~~in addition to all other information contained on~~ 4201
~~it, the form also shall include~~ a statement that the notice 4202
replaces any notice previously provided to the offender under 4203
division (A)(1) of this section, a statement that the offender's 4204
duties described in this notice supersede the duties described in 4205
the prior notice, and a statement notifying the offender that, if 4206
the offender already has registered under section 2950.04 or 4207
2950.041 of the Revised Code, the offender must register again 4208
pursuant to division (A)(6) of that section-i 4209

(c) If the notice is provided under division (A)(5) of this 4210
section, a statement that the delinquent child has been classified 4211

by the adjudicating juvenile court judge or the judge's successor 4212
in office a juvenile offender registrant and has a duty to comply 4213
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 4214
Revised Code; 4215

~~(f)~~(d) If the notice is provided under division (A)(5) of 4216
this section, ~~the form, in addition to all other information~~ 4217
~~contained on it, shall inform the delinquent child and the~~ 4218
~~delinquent child's parent, guardian, or custodian~~ a statement 4219
that, if the delinquent child fails to comply with the 4220
requirements of sections 2950.04, 2950.041, 2950.05, and 2950.06 4221
of the Revised Code, both of the following apply: 4222

(i) If the delinquent child's failure occurs while the child 4223
is under eighteen years of age, the child is subject to 4224
proceedings under Chapter 2152. of the Revised Code based on the 4225
failure, but if the failure occurs while the child is eighteen 4226
years of age or older, the child is subject to criminal 4227
prosecution based on the failure. 4228

(ii) If the delinquent child's failure occurs while the child 4229
is under eighteen years of age, unless the child is emancipated, 4230
as defined in section 2919.121 of the Revised Code, the failure of 4231
the parent, guardian, or custodian to ensure that the child 4232
complies with those requirements is a violation of section 2919.24 4233
of the Revised Code and may result in the prosecution of the 4234
parent, guardian, or custodian for that violation. 4235

~~(2)~~(3)(a) After an offender described in division (A)(1), 4236
(2), or (4) of this section has signed the form described in 4237
~~division~~ divisions (B)(1) and (2) of this section or the official, 4238
official's designee, or judge has certified on the form that the 4239
form has been explained to the offender and that the offender 4240
indicated an understanding of the duties indicated on it, the 4241
official, official's designee, or judge shall give one copy of the 4242
form to the offender, within three days shall send one copy of the 4243

form to the bureau of criminal identification and investigation in 4244
accordance with the procedures adopted pursuant to section 2950.13 4245
of the Revised Code, and shall send one copy of the form to the 4246
sheriff of the county in which the offender expects to reside. 4247

(b) After a chief of police or sheriff has sent a form to an 4248
offender under division (A)(3) of this section, the chief or 4249
sheriff shall send a copy of the form to the bureau of criminal 4250
identification and investigation in accordance with the procedures 4251
adopted pursuant to section 2950.13 of the Revised Code. 4252

(c) After a delinquent child described in division (A)(5) of 4253
this section and the delinquent child's parent, guardian, or 4254
custodian have signed the form described in ~~division~~ divisions 4255
(B)(1) and (2) of this section or the judge has certified on the 4256
form that the form has been explained to the delinquent child or 4257
the delinquent child's parent, guardian, or custodian and that the 4258
delinquent child or the delinquent child's parent, guardian, or 4259
custodian indicated an understanding of the duties and information 4260
indicated on the form, the judge shall give a copy of the form to 4261
both the delinquent child and to the delinquent child's parent, 4262
guardian, or custodian, within three days shall send one copy of 4263
the form to the bureau of criminal identification and 4264
investigation in accordance with the procedures adopted pursuant 4265
to section 2950.13 of the Revised Code, and shall send one copy of 4266
the form to the sheriff of the county in which the delinquent 4267
child expects to reside. 4268

(C) The official, official's designee, judge, chief of 4269
police, or sheriff who is required to provide notice to an 4270
offender or delinquent child under ~~division~~ divisions (A)(1) to 4271
(5) of this section shall do all of the following: 4272

(1) If the notice is provided under division (A)(1), (2), 4273
(4), or (5) of this section, the official, designee, or judge 4274
shall determine the offender's or delinquent child's name, 4275

identifying factors, and expected future residence address in this 4276
state or any other state, shall obtain the offender's or 4277
delinquent child's criminal and delinquency history, and shall 4278
obtain a photograph and the fingerprints of the offender or 4279
delinquent child. Regarding an offender, the official, designee, 4280
or judge also shall obtain from the offender the offender's 4281
current or expected future school, institution of higher 4282
education, or place of employment address in this state, if any. 4283
If the notice is provided by a judge under division (A)(2), (4), 4284
or (5) of this section, the sheriff shall provide the offender's 4285
or delinquent child's criminal and delinquency history to the 4286
judge. The official, official's designee, or judge shall obtain 4287
this information and these items prior to giving the notice, 4288
except that a judge may give the notice prior to obtaining the 4289
offender's or delinquent child's criminal and delinquency history. 4290
Within three days after receiving this information and these 4291
items, the official, official's designee, or judge shall forward 4292
the information and items to the bureau of criminal identification 4293
and investigation in accordance with the forwarding procedures 4294
adopted pursuant to section 2950.13 of the Revised Code ~~and~~, to 4295
the sheriff of the county in which the offender or delinquent 4296
child expects to reside, and, regarding an offender, to the 4297
sheriff of the county, if any, in which the offender attends or 4298
will attend a school or institution of higher education or is or 4299
will be employed. If the notice is provided under division (A)(5) 4300
of this section and if the delinquent child has been committed to 4301
the department of youth services or to a secure facility, the 4302
judge, in addition to the other information and items described in 4303
this division, also shall forward to the bureau and to the sheriff 4304
notification that the child has been so committed. If it has not 4305
already done so, the bureau of criminal identification and 4306
investigation shall forward a copy of the fingerprints and 4307
conviction data received under this division to the federal bureau 4308

of investigation. 4309

(2) If the notice is provided under division (A)(3) of this 4310
section, the chief of police or sheriff shall determine the 4311
offender's name, identifying factors, and residence address in 4312
this state or any other state, shall obtain the offender's 4313
criminal history from the bureau of criminal identification and 4314
investigation, and, to the extent possible, shall obtain a 4315
photograph and the fingerprints of the offender. Regarding an 4316
offender, the chief or sheriff also shall obtain from the offender 4317
the offender's current or expected future school, institution of 4318
higher education, or place of employment address in this state, if 4319
any. Within three days after receiving this information and these 4320
items, the chief or sheriff shall forward the information and 4321
items to the bureau of criminal identification and investigation 4322
in accordance with the forwarding procedures adopted pursuant to 4323
section 2950.13 of the Revised Code and, in relation to a chief of 4324
police, to the sheriff of the county in which the offender 4325
resides, and, regarding an offender, to the sheriff of the county, 4326
if any, in which the offender attends or will attend a school or 4327
institution of higher education or is or will be employed. If it 4328
has not already done so, the bureau of criminal identification and 4329
investigation shall forward a copy of the fingerprints and 4330
conviction data so received to the federal bureau of 4331
investigation. 4332

Sec. 2950.031. (A) No person who has been convicted of, is 4333
convicted of, has pleaded guilty to, or pleads guilty to either a 4334
sexually oriented offense that is not a registration-exempt 4335
sexually oriented offense or a child-victim oriented offense shall 4336
establish a residence or occupy residential premises within one 4337
thousand feet of any school premises. 4338

(B) An owner or lessee of real property that is located 4339

within one thousand feet of any school premises has a cause of 4340
action for injunctive relief against a person who violates 4341
division (A) of this section by establishing a residence or 4342
occupying residential premises within one thousand feet of those 4343
school premises. The owner or lessee shall not be required to 4344
prove irreparable harm in order to obtain the relief. 4345

Sec. 2950.04. (A)(1) Each of the following types of offender 4346
who is convicted of or pleads guilty to, or has been convicted of 4347
or pleaded guilty to, a sexually oriented offense that is not a 4348
registration-exempt sexually oriented offense shall register 4349
personally with the sheriff of the county within ~~seven~~ five days 4350
of the offender's coming into a county in which the offender 4351
resides or temporarily is domiciled for more than ~~seven~~ five days, 4352
shall register personally with the sheriff of the county 4353
immediately upon coming into a county in which the offender 4354
attends a school or institution of higher education on a full-time 4355
or part-time basis regardless of whether the offender resides or 4356
has a temporary domicile in this state or another state, shall 4357
register personally with the sheriff of the county in which the 4358
offender is employed if the offender resides or has a temporary 4359
domicile in this state and has been employed in that county for 4360
more than fourteen days or for an aggregate period of thirty or 4361
more days in that calendar year, shall register personally with 4362
the sheriff of the county in which the offender then is employed 4363
if the offender does not reside or have a temporary domicile in 4364
this state and has been employed at any location or locations in 4365
this state more than fourteen days or for an aggregate period of 4366
thirty or more days in that calendar year, and shall register with 4367
the sheriff or other appropriate person of the other state 4368
immediately upon entering into any state other than this state in 4369
which the offender attends a school or institution of higher 4370
education on a full-time or part-time basis or upon being employed 4371

in any state other than this state for more than fourteen days or 4372
for an aggregate period of thirty or more days in that calendar 4373
year regardless of whether the offender resides or has a temporary 4374
domicile in this state, the other state, or a different state: 4375

(a) Regardless of when the sexually oriented offense was 4376
committed, an offender who is sentenced for the sexually oriented 4377
offense to a prison term, a term of imprisonment, or any other 4378
type of confinement and, on or after July 1, 1997, is released in 4379
any manner from the prison term, term of imprisonment, or 4380
confinement; 4381

(b) Regardless of when the sexually oriented offense was 4382
committed, an offender who is sentenced for a sexually oriented 4383
offense on or after July 1, 1997, and to whom division (A)(1)(a) 4384
of this section does not apply; 4385

(c) If the sexually oriented offense was committed prior to 4386
July 1, 1997, and neither division (A)(1)(a) nor division 4387
(A)(1)(b) of this section applies, an offender who, immediately 4388
prior to July 1, 1997, was a habitual sex offender who was 4389
required to register under Chapter 2950. of the Revised Code. 4390

(2) Each child who is adjudicated a delinquent child for 4391
committing a sexually oriented offense that is not a 4392
registration-exempt sexually oriented offense and who is 4393
classified a juvenile ~~sex~~ offender registrant based on that 4394
adjudication shall register personally with the sheriff of the 4395
county within ~~seven~~ five days of the delinquent child's coming 4396
into a county in which the delinquent child resides or temporarily 4397
is domiciled for more than ~~seven~~ five days. If the delinquent 4398
child is committed for the sexually oriented offense that is not a 4399
registration-exempt sexually oriented offense to the department of 4400
youth services or to a secure facility that is not operated by the 4401
department, this duty begins when the delinquent child is 4402
discharged or released in any manner from custody in a department 4403

of youth services secure facility or from the secure facility that 4404
is not operated by the department, if pursuant to the discharge or 4405
release the delinquent child is not committed to any other secure 4406
facility of the department or any other secure facility. The 4407
delinquent child does not have a duty to register under this 4408
division while the child is in a department of youth services 4409
secure facility or in a secure facility that is not operated by 4410
the department. 4411

(3) If divisions (A)(1) and (2) of this section do not apply, 4412
each following type of offender and each following type of 4413
delinquent child shall register personally with the sheriff of the 4414
county within ~~seven~~ five days of the offender's or delinquent 4415
child's coming into a county in which the offender or delinquent 4416
child resides or temporarily is domiciled for more than ~~seven~~ five 4417
days, and each following type of offender shall register 4418
personally with the sheriff of the county immediately upon coming 4419
into a county in which the offender attends a school or 4420
institution of higher education on a full-time or part-time basis 4421
regardless of whether the offender resides or has a temporary 4422
domicile in this state or another state, shall register personally 4423
with the sheriff of the county in which the offender is employed 4424
if the offender resides or has a temporary domicile in this state 4425
and has been employed in that county for more than fourteen days 4426
or for an aggregate period of thirty days or more in that calendar 4427
year, and shall register personally with the sheriff of the county 4428
in which the offender then is employed if the offender does not 4429
reside or have a temporary domicile in this state and has been 4430
employed at any location or locations in this state for more than 4431
fourteen days or for an aggregate period of thirty or more days in 4432
that calendar year: 4433

(a) Regardless of when the sexually oriented offense was 4434
committed, a person who is convicted ~~of~~, pleads guilty ~~to~~, or ~~is~~ 4435

adjudicated a delinquent child ~~for committing a sexually oriented~~ 4436
~~offense in a court in~~ another state ~~or~~, in a federal court, 4437
military court, or ~~an~~ Indian tribal court, or in a court in any 4438
nation other than the United States for committing a sexually 4439
oriented offense that is not a registration-exempt sexually 4440
oriented offense, if, on or after July 1, 1997, for offenders, or 4441
January 1, 2002, for delinquent children, the offender or 4442
delinquent child moves to and resides in this state or temporarily 4443
is domiciled in this state for more than ~~seven~~ five days, the 4444
offender enters this state to attend any school or institution of 4445
higher education on a full-time or part-time basis, or the 4446
offender is employed in this state for more than fourteen days or 4447
for an aggregate period of thirty or more days in any calendar 4448
year, and if, at the time the offender or delinquent child moves 4449
to and resides in this state or temporarily is domiciled in this 4450
state for more than ~~seven~~ five days, the offender enters this 4451
state to attend the school or institution of higher education, or 4452
the offender is employed in this state for more than the specified 4453
period of time, the offender or delinquent child has a duty to 4454
register as a sex offender or child-victim offender under the law 4455
of that other jurisdiction as a result of the conviction, guilty 4456
plea, or adjudication. 4457

(b) Regardless of when the sexually oriented offense was 4458
committed, a person who is convicted of, pleads guilty to, or is 4459
adjudicated a delinquent child ~~for committing a sexually oriented~~ 4460
~~offense in a court in~~ another state ~~or~~, in a federal court, 4461
military court, or ~~an~~ Indian tribal court, or in a court in any 4462
nation other than the United States for committing a sexually 4463
oriented offense that is not a registration-exempt sexually 4464
oriented offense, if, on or after July 1, 1997, for offenders, or 4465
January 1, 2002, for delinquent children, the offender or 4466
delinquent child is released from imprisonment, confinement, or 4467
detention imposed for that offense, and if, on or after July 1, 4468

1997, for offenders, or January 1, 2002, for delinquent children, 4469
the offender or delinquent child moves to and resides in this 4470
state or temporarily is domiciled in this state for more than 4471
~~seven~~ five days, the offender enters this state to attend any 4472
school or institution of higher education on a full-time or 4473
part-time basis, or the offender is employed in this state for 4474
more than fourteen days or for an aggregate period of thirty or 4475
more days in any calendar year. The duty to register as described 4476
in this division applies to an offender regardless of whether the 4477
offender, at the time of moving to and residing in this state or 4478
temporarily being domiciled in this state for more than ~~seven~~ five 4479
days, at the time of entering into this state to attend the school 4480
or institution of higher education, or at the time of being 4481
employed in this state for the specified period of time, has a 4482
duty to register as a sex offender or child-victim offender under 4483
the law of the jurisdiction in which the conviction or guilty plea 4484
occurred. The duty to register as described in this division 4485
applies to a delinquent child only if the delinquent child, at the 4486
time of moving to and residing in this state or temporarily being 4487
domiciled in this state for more than ~~seven~~ five days, has a duty 4488
to register as a sex offender or child-victim offender under the 4489
law of the jurisdiction in which the delinquent child adjudication 4490
occurred or if, had the delinquent child adjudication occurred in 4491
this state, the adjudicating juvenile court judge would have been 4492
required to issue an order classifying the delinquent child as a 4493
juvenile ~~sex~~ offender registrant pursuant to section 2152.82 or 4494
division (A) of section 2152.83 of the Revised Code. 4495

(4) If division (A)(1)(a) of this section applies and if, 4496
subsequent to the offender's release, the offender is adjudicated 4497
~~to be~~ a sexual predator under division (C) of section 2950.09 of 4498
the Revised Code, the offender shall register within ~~seven~~ five 4499
days of the adjudication with the sheriff of the county in which 4500
the offender resides or temporarily is domiciled for more than 4501

~~seven five~~ days ~~and~~, shall register with the sheriff of any county 4502
in which the offender subsequently resides or temporarily is 4503
domiciled for more than ~~seven five~~ days within ~~seven five~~ days of 4504
coming into that county, shall register within five days of the 4505
adjudication with the sheriff of the county in which the offender 4506
attends any school or institution of higher education on a 4507
full-time or part-time basis or in which the offender is employed 4508
if the offender has been employed in that county for more than 4509
fourteen days or for an aggregate period of thirty or more days in 4510
that calendar year regardless of whether the offender resides or 4511
has temporary domicile in this state or another state, and shall 4512
register within five days of the adjudication with the sheriff or 4513
other appropriate person of any state other than this state in 4514
which the offender attends a school or institution of higher 4515
education on a full-time or part-time basis or in which the 4516
offender then is employed if the offender has been employed in 4517
that state for more than fourteen days or for an aggregate period 4518
of thirty or more days in any calendar year regardless of whether 4519
the offender resides or has temporary domicile in this state, the 4520
other state, or a different state. 4521

(5) A person who is adjudicated a delinquent child for 4522
committing a sexually oriented offense that is not a 4523
registration-exempt sexually oriented offense is not required to 4524
register under division (A)(2) of this section unless the 4525
delinquent child committed the offense on or after January 1, 4526
2002, is classified a juvenile ~~sex~~ offender registrant by a 4527
juvenile court judge pursuant to an order issued under section 4528
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code based on 4529
that adjudication, and has a duty to register pursuant to division 4530
(A)(2) of this section. 4531

(6) A person who has been convicted of, is convicted of, has 4532
pleaded guilty to, or pleads guilty to a sexually oriented offense 4533

that is a registration-exempt sexually oriented offense, and a 4534
person who is or has been adjudicated a delinquent child for 4535
committing a sexually oriented offense that is a 4536
registration-exempt sexually oriented offense, does not have any 4537
duty to register under this section based on that conviction, 4538
guilty plea, or adjudication. The exemption of an offender or 4539
delinquent child from registration under this division for a 4540
conviction of, plea of guilty to, or delinquent child adjudication 4541
for a registration-exempt sexually oriented offense does not 4542
limit, affect, or supersede any duties imposed upon the offender 4543
or delinquent child under this chapter or sections 2152.82 to 4544
2152.85 of the Revised Code for a conviction of, plea of guilty 4545
to, or delinquent child adjudication for any other sexually 4546
oriented offense or any child-victim oriented offense. 4547

(B) An offender or delinquent child who is required by 4548
division (A) of this section to register in this state personally 4549
shall obtain from the sheriff or from a designee of the sheriff a 4550
registration form that conforms to division (C) of this section, 4551
shall complete and sign the form, and shall return the completed 4552
form together with the offender's or delinquent child's photograph 4553
to the sheriff or the designee. The sheriff or designee shall sign 4554
the form and indicate on the form the date on which it is so 4555
returned. The registration required under this division is 4556
complete when the offender or delinquent child returns the form, 4557
containing the requisite information, photograph, signatures, and 4558
date, to the sheriff or designee. 4559

(C) The registration form to be used under divisions (A) and 4560
(B) of this section shall ~~contain the~~ include the photograph of 4561
the offender or delinquent child who is registering and shall 4562
contain all of the following: 4563

(1) Regarding an offender or delinquent child who is 4564
registering under a duty imposed under division (A)(1), (2), (3), 4565

or (4) of this section as a result of the offender or delinquent 4566
child residing in this state or temporarily being domiciled in 4567
this state for more than five days, the current residence address 4568
of the offender or delinquent child who is registering, the name 4569
and address of the offender's or delinquent child's employer, if 4570
the offender or delinquent child is employed at the time of 4571
registration or if the offender or delinquent child knows at the 4572
time of registration that the offender or delinquent child will be 4573
commencing employment with that employer subsequent to 4574
registration, the name and address of the offender's school or 4575
institution of higher education if the offender attends one at the 4576
time of registration or if the offender knows at the time of 4577
registration that the offender will be commencing attendance at 4578
that school or institution subsequent to registration, and any 4579
other information required by the bureau of criminal 4580
identification and investigation ~~and shall include the offender's~~ 4581
~~or delinquent child's photograph.~~ Additionally 4582

(2) Regarding an offender who is registering under a duty 4583
imposed under division (A)(1), (3), or (4) of this section as a 4584
result of the offender attending a school or institution of higher 4585
education in this state on a full-time or part-time basis or being 4586
employed in this state or in a particular county in this state, 4587
whichever is applicable, for more than fourteen days or for an 4588
aggregate of thirty or more days in any calendar year, the current 4589
address of the school, institution of higher education, or place 4590
of employment of the offender who is registering and any other 4591
information required by the bureau of criminal identification and 4592
investigation. 4593

(3) Regarding an offender or delinquent child who is 4594
registering under a duty imposed under division (A)(1), (2), (3), 4595
or (4) of this section for any reason, if the offender ~~or~~ 4596
~~delinquent child~~ has been adjudicated ~~as being~~ a sexual predator 4597

relative to the sexually oriented offense in question, if the 4598
delinquent child has been adjudicated a sexual predator relative 4599
to the sexually oriented offense in question and the court has not 4600
subsequently determined pursuant to ~~division (D) of section~~ 4601
~~2950.09,~~ section 2152.84, or ~~section~~ 2152.85 of the Revised Code 4602
that the ~~offender or~~ delinquent child no longer is a sexual 4603
predator, ~~or~~ if the judge determined pursuant to division (C) of 4604
section 2950.09 or pursuant to section 2152.82, 2152.83, 2152.84, 4605
or 2152.85 of the Revised Code that the offender or delinquent 4606
child is a habitual sex offender and the determination has not 4607
been removed pursuant to section 2152.84 or 2152.85 of the Revised 4608
Code, or if the offender has the duty to register as a result of 4609
the conviction of or plea of guilty to an aggravated sexually 4610
oriented offense, the offender or delinquent child also shall 4611
include on the signed, written registration form all of the 4612
following information: 4613

~~(1)~~(a) A specific declaration that the person has been 4614
adjudicated ~~as being~~ a sexual predator ~~or,~~ has been determined to 4615
be a habitual sex offender, or was convicted of or pleaded guilty 4616
to an aggravated sexually oriented offense, whichever is 4617
applicable; 4618

~~(2)~~(b) If the offender or delinquent child has been 4619
adjudicated ~~as being~~ a sexual predator, the identification license 4620
plate number of each motor vehicle the offender or delinquent 4621
child owns and of each motor vehicle registered in the offender's 4622
or delinquent child's name. 4623

(D) After an offender or delinquent child registers with a 4624
sheriff pursuant to this section, the sheriff shall forward the 4625
signed, written registration form and photograph to the bureau of 4626
criminal identification and investigation in accordance with the 4627
forwarding procedures adopted pursuant to section 2950.13 of the 4628
Revised Code. If an offender registers a school, institution of 4629

higher education, or place of employment address, or provides a 4630
school or institution of higher education address under division 4631
(C)(1) of this section, the sheriff also shall provide notice to 4632
the law enforcement agency with jurisdiction over the premises of 4633
the school, institution of higher education, or place of 4634
employment of the offender's name and that the offender has 4635
registered that address as a place at which the offender attends 4636
school or an institution of higher education or at which the 4637
offender is employed. The bureau shall include the information and 4638
materials forwarded to it under this division in the state 4639
registry of sex offenders and child victim offenders established 4640
and maintained under section 2950.13 of the Revised Code. 4641

(E) No person who is required to register pursuant to 4642
divisions (A) and (B) of this section, and no person who is 4643
required to send a notice of intent to reside pursuant to division 4644
(G) of this section, shall fail to register or send the notice of 4645
intent as required in accordance with those divisions or that 4646
division. 4647

(F) An offender or delinquent child who is required to 4648
register pursuant to divisions (A) and (B) of this section shall 4649
register pursuant to this section for the period of time specified 4650
in section 2950.07 of the Revised Code. 4651

(G) If an offender or delinquent child who is required by 4652
division (A) of this section to register is adjudicated a sexual 4653
predator or a habitual sexual offender subject to community 4654
notification under division (C)(2) or (E) of section 2950.09 of 4655
the Revised Code, or if an offender who is required by division 4656
(A) of this section to register has that duty as a result of a 4657
conviction of or plea of guilty to an aggravated sexually oriented 4658
offense ~~committed on or after the effective date of this~~ 4659
~~amendment~~, the offender or delinquent child also shall send the 4660
sheriff of the county in which the offender or delinquent child 4661

intends to reside written notice of the offender's or delinquent 4662
child's intent to reside in the county. The offender or delinquent 4663
child shall send the notice of intent to reside at least twenty 4664
days prior to the date the offender or delinquent child begins to 4665
reside in the county. The notice of intent to reside shall contain 4666
the following information: 4667

(1) The offender's or delinquent child's name; 4668

(2) The address or addresses at which the offender or 4669
delinquent child intends to reside; 4670

(3) The sexually oriented offense of which the offender was 4671
convicted, to which the offender pleaded guilty, or for which the 4672
child was adjudicated a delinquent child; 4673

(4) A statement that the offender ~~or delinquent child~~ has 4674
been adjudicated ~~as being~~ a sexual predator, a statement that the 4675
delinquent child has been adjudicated a sexual predator and that, 4676
as of the date of the notice, the court has not entered a 4677
determination that the ~~offender or~~ delinquent child no longer is a 4678
sexual predator, a statement that the sentencing or reviewing 4679
judge has determined that the offender or delinquent child is a 4680
habitual sex offender and that, as of the date of the notice, the 4681
determination has not been removed pursuant to section 2152.84 or 4682
2152.85 of the Revised Code, or a statement that the offender was 4683
convicted of or pleaded guilty to an aggravated sexually oriented 4684
offense ~~committed on or after the effective date of this~~ 4685
~~amendment.~~ 4686

(H) If, immediately prior to the effective date of this 4687
amendment, an offender or delinquent child who was convicted of, 4688
pleaded guilty to, or adjudicated a delinquent child for 4689
committing a sexually oriented offense was required by division 4690
(A) of this section to register and if, on or after the effective 4691
date of this amendment, that offense no longer is a sexually 4692

oriented offense but instead is designated a child-victim oriented 4693
offense, division (A)(1)(c) or (2)(b) of section 2950.041 of the 4694
Revised Code applies regarding the offender or delinquent child 4695
and the duty to register that is imposed pursuant to that division 4696
shall be considered, for purposes of section 2950.07 of the 4697
Revised Code and for all other purposes, to be a continuation of 4698
the duty imposed upon the offender prior to the effective date of 4699
this amendment under this section. 4700

Sec. 2950.041. (A)(1) Each of the following types of offender 4701
who is convicted of or pleads guilty to, or has been convicted of 4702
or pleaded guilty to, a child-victim oriented offense shall 4703
register personally with the sheriff of the county within five 4704
days of the offender's coming into a county in which the offender 4705
resides or temporarily is domiciled for more than five days, shall 4706
register personally with the sheriff of the county immediately 4707
upon coming into a county in which the offender attends a school 4708
or institution of higher education on a full-time or part-time 4709
basis regardless of whether the offender resides or has a 4710
temporary domicile in this state or another state, shall register 4711
personally with the sheriff of the county in which the offender is 4712
employed if the offender resides or has a temporary domicile in 4713
this state and has been employed in that county for more than 4714
fourteen days or for an aggregate period of thirty or more days in 4715
that calendar year, shall register personally with the sheriff of 4716
the county in which the offender then is employed if the offender 4717
does not reside or have a temporary domicile in this state and has 4718
been employed at any location or locations in this state for more 4719
than fourteen days or for an aggregate period of thirty or more 4720
days in that calendar year, and shall register personally with the 4721
sheriff or other appropriate person of the other state immediately 4722
upon entering into any state other than this state in which the 4723
offender attends a school or institution of higher education on a 4724

full-time or part-time basis or upon being employed in any state 4725
other than this state for more than fourteen days or for an 4726
aggregate period of thirty or more days in that calendar year 4727
regardless of whether the offender resides or has a temporary 4728
domicile in this state, the other state, or a different state: 4729
4730

(a) Regardless of when the child-victim oriented offense was 4731
committed, an offender who is sentenced for the child-victim 4732
oriented offense to a prison term, a term of imprisonment, or any 4733
other type of confinement and, on or after the effective date of 4734
this section, is released in any manner from the prison term, term 4735
of imprisonment, or confinement; 4736

(b) Regardless of when the child-victim oriented offense was 4737
committed, an offender who is sentenced for a child-victim 4738
oriented offense on or after the effective date of this section, 4739
and to whom division (A)(1)(a) of this section does not apply; 4740

(c) If the child-victim oriented offense was committed prior 4741
to the effective date of this section, if the offense was 4742
considered prior to that date to be a sexually oriented offense, 4743
and if neither division (A)(1)(a) nor division (A)(1)(b) of this 4744
section applies, an offender who, immediately prior to the 4745
effective date of this section, was required to register as a 4746
result of conviction of or plea of guilty to the commission of 4747
that offense under section 2950.04 of the Revised Code. For any 4748
offender who is described in this division, the duty imposed under 4749
this division shall be considered, for purposes of section 2950.07 4750
of the Revised Code and for all other purposes, to be a 4751
continuation of the duty imposed upon the offender prior to the 4752
effective date of this section under section 2950.04 of the 4753
Revised Code. 4754

(2) Each of the following types of delinquent children shall 4755
register personally with the sheriff of the county within five 4756

days of the delinquent child's coming into a county in which the 4757
delinquent child resides or temporarily is domiciled for more than 4758
five days: 4759

(a) Regardless of when the child-victim oriented offense was 4760
committed, a child who on or after the effective date of this 4761
section is adjudicated a delinquent child for committing a 4762
child-victim oriented offense and who is classified a juvenile 4763
offender registrant based on that adjudication. If the delinquent 4764
child is committed for the child-victim oriented offense to the 4765
department of youth services or to a secure facility that is not 4766
operated by the department, this duty begins when the delinquent 4767
child is discharged or released in any manner from custody in a 4768
department of youth services secure facility or from the secure 4769
facility that is not operated by the department, if pursuant to 4770
the discharge or release the delinquent child is not committed to 4771
any other secure facility of the department or any other secure 4772
facility. The delinquent child does not have a duty to register 4773
under this division while the child is in a department of youth 4774
services secure facility or in a secure facility that is not 4775
operated by the department. 4776

(b) If the child-victim oriented offense was committed prior 4777
to the effective date of this section, if the offense was 4778
considered prior to that date to be a sexually oriented offense, 4779
and if division (A)(2)(a) of this section does not apply, a 4780
delinquent child who, immediately prior to the effective date of 4781
this section, was classified a juvenile sex offender registrant 4782
and required to register as a result of a delinquent child 4783
adjudication for the commission of that offense under section 4784
2950.04 of the Revised Code. For any delinquent child who is 4785
described in this division, the duty imposed under this division 4786
shall be considered, for purposes of section 2950.07 of the 4787
Revised Code and for all other purposes, to be a continuation of 4788

the duty imposed upon the delinquent child prior to the effective 4789
date of this section under section 2950.04 of the Revised Code. If 4790
the delinquent child is committed for the child-victim oriented 4791
offense to the department of youth services or to a secure 4792
facility that is not operated by the department, the provisions of 4793
division (A)(2)(a) of this section regarding the beginning, and 4794
tolling, of a duty imposed under that division also apply 4795
regarding the beginning, and tolling, of the duty imposed under 4796
this division. 4797

(3) If divisions (A)(1) and (2) of this section do not apply, 4798
each following type of offender and each following type of 4799
delinquent child shall register personally with the sheriff of the 4800
county within five days of the offender's or delinquent child's 4801
coming into a county in which the offender or delinquent child 4802
resides or temporarily is domiciled for more than five days, and 4803
each following type of offender shall register personally with the 4804
sheriff of the county immediately upon coming into a county in 4805
which the offender attends a school or institution of higher 4806
education on a full-time or part-time basis regardless of whether 4807
the offender resides or has a temporary domicile in this state or 4808
another state, shall register personally with the sheriff of the 4809
county in which the offender is employed if the offender resides 4810
or has a temporary domicile in this state and has been employed in 4811
that county for more than fourteen days or for an aggregate period 4812
of thirty or more days in that calendar year, and shall register 4813
personally with the sheriff of the county in which the offender 4814
then is employed if the offender does not reside or have a 4815
temporary domicile in this state and has been employed at any 4816
location or locations in this state for more than fourteen days or 4817
for an aggregate period of thirty or more days in that calendar 4818
year: 4819

(a) Regardless of when the child-victim oriented offense was 4820

committed, a person who is convicted, pleads guilty, or 4821
adjudicated a delinquent child in a court in another state, in a 4822
federal court, military court, or Indian tribal court, or in a 4823
court in any nation other than the United States for committing a 4824
child-victim oriented offense, if, on or after the effective date 4825
of this section, the offender or delinquent child moves to and 4826
resides in this state or temporarily is domiciled in this state 4827
for more than five days, the offender enters this state to attend 4828
any school or institution of higher education on a full-time or 4829
part-time basis, or the offender is employed in this state for 4830
more than fourteen days or for an aggregate period of thirty or 4831
more days in any calendar year, and if, at the time the offender 4832
or delinquent child moves to and resides in this state or 4833
temporarily is domiciled in this state for more than five days, 4834
the offender enters this state to attend the school or institution 4835
of higher education, or the offender is employed in this state for 4836
more than the specified period of time, the offender or delinquent 4837
child has a duty to register as a child-victim offender or sex 4838
offender under the law of that other jurisdiction as a result of 4839
the conviction, guilty plea, or adjudication. 4840

(b) Regardless of when the child-victim oriented offense was 4841
committed, a person who is convicted, pleads guilty, or 4842
adjudicated a delinquent child in a court in another state, in a 4843
federal court, military court, or Indian tribal court, or in a 4844
court in any nation other than the United States for committing a 4845
child-victim oriented offense, if, on or after the effective date 4846
of this section, the offender or delinquent child is released from 4847
imprisonment, confinement, or detention imposed for that offense, 4848
and if, on or after the effective date of this section, the 4849
offender or delinquent child moves to and resides in this state or 4850
temporarily is domiciled in this state for more than five days, 4851
the offender enters this state to attend any school or institution 4852
of higher education on a full-time or part-time basis, or the 4853

offender is employed in this state for more than fourteen days or 4854
for an aggregate period of thirty or more days in any calendar 4855
year. The duty to register as described in this division applies 4856
to an offender regardless of whether the offender, at the time of 4857
moving to and residing in this state or temporarily being 4858
domiciled in this state for more than five days, at the time of 4859
entering into this state to attend the school or institution of 4860
higher education, or at the time of being employed in this state 4861
for more than the specified period of time, has a duty to register 4862
as a child-victim offender or sex offender under the law of the 4863
jurisdiction in which the conviction or guilty plea occurred. The 4864
duty to register as described in this division applies to a 4865
delinquent child only if the delinquent child, at the time of 4866
moving to and residing in this state or temporarily being 4867
domiciled in this state for more than five days, has a duty to 4868
register as a child-victim offender or sex offender under the law 4869
of the jurisdiction in which the delinquent child adjudication 4870
occurred or if, had the delinquent child adjudication occurred in 4871
this state, the adjudicating juvenile court judge would have been 4872
required to issue an order classifying the delinquent child as a 4873
juvenile offender registrant pursuant to section 2152.82 or 4874
division (A) of section 2152.83 of the Revised Code. 4875

(4) If division (A)(1)(a) of this section applies and if, 4876
subsequent to the offender's release, the offender is adjudicated 4877
a child-victim predator under division (C) of section 2950.09 of 4878
the Revised Code, the offender shall register within five days of 4879
the adjudication with the sheriff of the county in which the 4880
offender resides or temporarily is domiciled for more than five 4881
days, shall register with the sheriff of any county in which the 4882
offender subsequently resides or temporarily is domiciled for more 4883
than five days within five days of coming into that county, shall 4884
register within five days of the adjudication with the sheriff of 4885
the county in which the offender attends any school or institution 4886

of higher education on a full-time or part-time basis or in which 4887
the offender is employed if the offender has been employed in that 4888
county for more than fourteen days or for an aggregate period of 4889
thirty or more days in that calendar year regardless of whether 4890
the offender resides or has temporary domicile in this state or 4891
another state, and shall register within five days of the 4892
adjudication with the sheriff or other appropriate person of any 4893
state other than this state in which the offender attends a school 4894
or institution of higher education on a full-time or part-time 4895
basis or in which the offender then is employed if the offender 4896
has been employed in this state for more than fourteen days or for 4897
an aggregate period of thirty or more days in any calendar year 4898
regardless of whether the offender resides or has temporary 4899
domicile in this state, the other state, or a different state. 4900

(5) A person who is adjudicated a delinquent child for 4901
committing a child-victim oriented offense is not required to 4902
register under division (A)(2) of this section unless the 4903
delinquent child committed the offense on or after the effective 4904
date of this section, is classified a juvenile offender registrant 4905
by a juvenile court judge pursuant to an order issued under 4906
section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code 4907
based on that adjudication, and has a duty to register pursuant to 4908
division (A)(2) of this section. 4909

(B) An offender or delinquent child who is required by 4910
division (A) of this section to register in this state personally 4911
shall do so in the manner described in division (B) of section 4912
2950.04 of the Revised Code, and the registration is complete as 4913
described in that division. 4914

(C) The registration form to be used under divisions (A) and 4915
(B) of this section shall include the photograph of the offender 4916
or delinquent child who is registering and shall contain all of 4917
the following: 4918

(1) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(1), (2), (3), or (4) of this section as a result of the offender or delinquent child residing in this state or temporarily being domiciled in this state for more than five days, all of the information described in division (C)(1) of section 2950.04 of the Revised Code; 4919
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(2) Regarding an offender who is registering under a duty imposed under division (A)(1), (3), or (4) of this section as a result of the offender attending a school or institution of higher education on a full-time or part-time basis or being employed in this state or in a particular county in this state, whichever is applicable, for more than fourteen days or for an aggregate of thirty or more days in any calendar year, all of the information described in division (C)(2) of section 2950.04 of the Revised Code; 4926
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(3) Regarding an offender or delinquent child who is registering under a duty imposed under division (A)(1), (2), (3), or (4) of this section, if the offender has been adjudicated a child-victim predator relative to the child-victim oriented offense in question, if the delinquent child has been adjudicated a child-victim predator relative to the child-victim oriented offense in question and the court has not subsequently determined pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is a child-victim predator, if the offender or delinquent child is automatically classified a habitual child-victim offender under division (E) of section 2950.091 of the Revised Code, or if the judge determined pursuant to division (C) or (E) of section 2950.091 or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the offender or delinquent child is a habitual child-victim offender and the determination has not been removed pursuant to section 4935
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2152.84 or 2152.85 of the Revised Code, the offender or delinquent child shall include on the signed, written registration form all of the information described in division (C)(3) of section 2950.04 of the Revised Code. 4951
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(D) Division (D) of section 2950.04 of the Revised Code applies when an offender or delinquent child registers with a sheriff pursuant to this section. 4955
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(E) No person who is required to register pursuant to divisions (A) and (B) of this section, and no person who is required to send a notice of intent to reside pursuant to division (G) of this section, shall fail to register or send the notice as required in accordance with those divisions or that division. 4958
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(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code. 4963
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(G) If an offender or delinquent child who is required by division (A) of this section to register is adjudicated a child-victim predator or a habitual child-victim offender subject to community notification under division (C)(2) or (E) of section 2950.09 of the Revised Code, the offender or delinquent child also shall send the sheriff of the county in which the offender or delinquent child intends to reside written notice of the offender's or delinquent child's intent to reside in the county. The offender or delinquent child shall send the notice of intent to reside at least twenty days prior to the date the offender or delinquent child begins to reside in the county. The notice of intent to reside shall contain all of the following information: 4967
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(1) The information specified in divisions (G)(1) and (2) of section 2950.04 of the Revised Code; 4979
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(2) The child-victim oriented offense of which the offender 4981

was convicted, to which the offender pleaded guilty, or for which 4982
the child was adjudicated a delinquent child; 4983

(3) A statement that the offender has been adjudicated a 4984
child-victim predator, a statement that the delinquent child has 4985
been adjudicated a child-victim predator and that, as of the date 4986
of the notice, the court has not entered a determination that the 4987
delinquent child no longer is a child-victim predator, or a 4988
statement that the sentencing or reviewing judge has determined 4989
that the offender or delinquent child is a habitual child-victim 4990
offender and that, as of the date of the notice, the determination 4991
has not been removed pursuant to section 2152.84 or 2152.85 of the 4992
Revised Code. 4993

Sec. 2950.05. (A) If an offender or delinquent child is 4994
required to register pursuant to section 2950.04 or 2950.041 of 4995
the Revised Code, the offender or delinquent child, at least 4996
twenty days prior to changing the offender's or delinquent child's 4997
residence address, or the offender, at least twenty days prior to 4998
changing the address of the offender's school or institution of 4999
higher education and not later than five days after changing the 5000
address of the offender's place of employment, during the period 5001
during which the offender or delinquent child is required to 5002
register, shall provide written notice of the residence, school, 5003
institution of higher education, or place of employment address 5004
change, as applicable, to the sheriff with whom the offender or 5005
delinquent child most recently registered the address under 5006
section 2950.04 or 2950.041 of the Revised Code or under division 5007
(B) of this section. 5008

(B) If an offender ~~or delinquent child~~ is required to provide 5009
notice of a residence, school, institution of higher education, or 5010
place of employment address change under division (A) of this 5011
section, or a delinquent child is required to provide notice of a 5012

residence address change under that division, the offender or 5013
delinquent child, at least twenty days prior to changing the 5014
residence, school, or institution of higher education address and 5015
not later than five days after changing the place of employment 5016
address, as applicable, also shall register the new ~~residence~~ 5017
address in the manner described in divisions (B) and (C) of 5018
section 2950.04 or 2950.041 of the Revised Code, whichever is 5019
applicable, with the sheriff of the county in which the offender's 5020
or delinquent child's new ~~residence~~ address is located, subject to 5021
division (C) of this section. 5022

(C) Divisions (A) and (B) of this section apply to a person 5023
who is required to register pursuant to section 2950.04 or 5024
2950.041 of the Revised Code regardless of whether the new 5025
residence, school, institution of higher education, or place of 5026
employment address is in this state or in another state. If the 5027
new ~~residence~~ address is in another state, the person shall 5028
register with the appropriate law enforcement officials in that 5029
state in the manner required under the law of that state and 5030
within the earlier of the period of time required under the law of 5031
that state or at least seven days prior to changing the ~~residence~~ 5032
address. 5033

(D)(1) Upon receiving from an offender or delinquent child 5034
pursuant to division (A) of this section notice of a change of the 5035
offender's ~~or delinquent child's~~ residence, school, institution of 5036
higher education, or place of employment address or the delinquent 5037
child's residence address, a sheriff promptly shall forward the 5038
new ~~residence~~ address to the bureau of criminal identification and 5039
investigation in accordance with the forwarding procedures adopted 5040
pursuant to section 2950.13 of the Revised Code if the new 5041
~~residence~~ address is in another state or, if the ~~offender's or~~ 5042
~~delinquent child's~~ new ~~residence~~ address is located in another 5043
county in this state, to the sheriff of that county. The bureau 5044

shall include all information forwarded to it under this division 5045
in the state registry of sex offenders and child-victim offenders 5046
established and maintained under section 2950.13 of the Revised 5047
Code and shall forward notice of the offender's or delinquent 5048
child's new residence, school, institution of higher education, or 5049
place of employment address, as applicable, to the appropriate 5050
officials in the other state. 5051

(2) When an offender ~~or delinquent child~~ registers a new 5052
residence, school, institution of higher education, or place of 5053
employment address or a delinquent child registers a new residence 5054
address pursuant to division (B) of this section, the sheriff with 5055
whom the offender or delinquent child registers and the bureau of 5056
criminal identification and investigation shall comply with 5057
division (D) of section 2950.04 or 2950.041 of the Revised Code, 5058
whichever is applicable. 5059

(E)(1) No person who is required to notify a sheriff of a 5060
change of address pursuant to division (A) of this section shall 5061
fail to notify the appropriate sheriff in accordance with that 5062
division. 5063

(2) No person who is required to register a new residence, 5064
school, institution of higher education, or place of employment 5065
address with a sheriff or with an official of another state 5066
pursuant to divisions (B) and (C) of this section shall fail to 5067
register with the appropriate sheriff or official of the other 5068
state in accordance with those divisions. 5069

(F) An offender or delinquent child who is required to comply 5070
with divisions (A), (B), and (C) of this section shall do so for 5071
the period of time specified in section 2950.07 of the Revised 5072
Code. 5073

Sec. 2950.06. (A) An offender or delinquent child who is 5074
required to register a residence address pursuant to section 5075

2950.04 or 2950.041 of the Revised Code shall periodically verify 5076
the offender's or delinquent child's current residence address, 5077
and an offender who is required to register a school, institution 5078
of higher education, or place of employment address pursuant to 5079
either of those sections shall periodically verify the address of 5080
the offender's current school, institution of higher education, or 5081
place of employment, in accordance with this section. The 5082
frequency of verification shall be determined in accordance with 5083
division (B) of this section, and the manner of verification shall 5084
be determined in accordance with division (C) of this section. 5085

(B) The frequency with which an offender or delinquent child 5086
must verify the offender's or delinquent child's current 5087
residence, school, institution of higher education, or place of 5088
employment address pursuant to division (A) of this section shall 5089
be determined as follows: 5090

(1) Regardless of when the sexually oriented offense or 5091
child-victim oriented offense for which the offender or delinquent 5092
child is required to register was committed, ~~if the offender or~~ 5093
~~delinquent child has been adjudicated as being a sexual predator~~ 5094
~~relative to the sexually oriented offense and the court has not~~ 5095
~~subsequently entered a determination pursuant to division (D) of~~ 5096
~~section 2950.09, section 2152.84, or section 2152.85 of the~~ 5097
~~Revised Code that the offender or delinquent child no longer is a~~ 5098
~~sexual predator, or if the offender is required to register as a~~ 5099
~~result of an aggravated sexually oriented offense committed on or~~ 5100
~~after the effective date of this amendment,~~ the offender ~~or~~ 5101
delinquent child shall verify the offender's ~~or delinquent child's~~ 5102
current residence address or current school, institution of higher 5103
education, or place of employment address, and the delinquent 5104
child shall verify the delinquent child's current residence 5105
address, in accordance with division (C) of this section every 5106
ninety days after the offender's or delinquent child's initial 5107

registration date during the period the offender or delinquent 5108
child is required to register if any of the following applies: 5109

(a) The offender or delinquent child is required to register 5110
based on a sexually oriented offense, and either the offender has 5111
been adjudicated a sexual predator relative to the sexually 5112
oriented offense, the delinquent child has been adjudicated a 5113
sexual predator relative to the sexually oriented offense and the 5114
court has not subsequently entered a determination pursuant to 5115
section 2152.84 or 2152.85 of the Revised Code that the delinquent 5116
child no longer is a sexual predator, or the offender is required 5117
to register as a result of an aggravated sexually oriented 5118
offense. 5119

(b) The offender or delinquent child is required to register 5120
based on a child-victim oriented offense, and either the offender 5121
has been adjudicated a child-victim predator relative to the 5122
child-victim oriented offense or the delinquent child has been 5123
adjudicated a child-victim predator relative to the child-victim 5124
oriented offense and the court has not subsequently entered a 5125
determination pursuant to section 2152.84 or 2152.85 of the 5126
Revised Code that the delinquent child no longer is a child-victim 5127
predator. 5128

(2) In all circumstances not described in division (B)(1) of 5129
this section, the offender ~~or delinquent child~~ shall verify the 5130
offender's ~~or delinquent child's~~ current residence address or 5131
current school, institution of higher education, or place of 5132
employment address, and the delinquent child shall verify the 5133
delinquent child's current residence address, in accordance with 5134
division (C) of this section on each anniversary of the offender's 5135
or delinquent child's initial registration date during the period 5136
the offender or delinquent child is required to register. 5137

If, prior to the effective date of this amendment, an 5138
offender or delinquent child registered with a sheriff under a 5139

duty imposed under section 2950.04 of the Revised Code as a result 5140
of a conviction of, plea of guilty to, or adjudication as a 5141
delinquent child for committing a sexually oriented offense and 5142
if, on or after the effective date of this amendment, that offense 5143
no longer is a sexually oriented offense but instead is a 5144
child-victim oriented offense, the duty to register that is 5145
imposed on the offender or delinquent child pursuant to section 5146
2950.041 of the Revised Code is a continuation of the duty imposed 5147
upon the offender prior to the effective date of this amendment 5148
under section 2950.04 of the Revised Code and, for purposes of 5149
divisions (B)(1) and (2) of this section, the offender's initial 5150
registration date related to that offense is the date on which the 5151
offender initially registered under section 2950.04 of the Revised 5152
Code. 5153

(C)(1) An offender or delinquent child who is required to 5154
verify the offender's or delinquent child's current residence, 5155
school, institution of higher education, or place of employment 5156
address pursuant to division (A) of this section shall verify the 5157
address with the sheriff with whom the offender or delinquent 5158
child most recently registered the address by personally appearing 5159
before the sheriff or a designee of the sheriff, no earlier than 5160
ten days before the date on which the verification is required 5161
pursuant to division (B) of this section and no later than the 5162
date so required for verification, and completing and signing a 5163
copy of the verification form prescribed by the bureau of criminal 5164
identification and investigation. The sheriff or designee shall 5165
sign the completed form and indicate on the form the date on which 5166
it is so completed. The verification required under this division 5167
is complete when the offender or delinquent child personally 5168
appears before the sheriff or designee and completes and signs the 5169
form as described in this division. 5170

(2) To facilitate the verification of an offender's or 5171

delinquent child's current residence, school, institution of 5172
higher education, or place of employment address, as applicable, 5173
under division (C)(1) of this section, the sheriff with whom the 5174
offender or delinquent child most recently registered the address 5175
may mail a nonforwardable verification form prescribed by the 5176
bureau of criminal identification and investigation to the 5177
offender's or delinquent child's last reported address and to the 5178
last reported address of the parents of the delinquent child, with 5179
a notice that conspicuously states that the offender or delinquent 5180
child must personally appear before the sheriff or a designee of 5181
the sheriff to complete the form and the date by which the form 5182
must be so completed. Regardless of whether a sheriff mails a form 5183
to an offender or delinquent child and that child's parents, each 5184
offender or delinquent child who is required to verify the 5185
offender's or delinquent child's current residence, school, 5186
institution of higher education, or place of employment address, 5187
as applicable, pursuant to division (A) of this section shall 5188
personally appear before the sheriff or a designee of the sheriff 5189
to verify the address in accordance with division (C)(1) of this 5190
section. 5191

(D) The verification form to be used under division (C) of 5192
this section shall contain all of the following: 5193

(1) Except as provided in division (D)(2) of this section, 5194
the current residence address of the offender or delinquent child, 5195
the name and address of the offender's or delinquent child's 5196
employer if the offender or delinquent child is employed at the 5197
time of verification or if the offender or delinquent child knows 5198
at the time of verification that the offender or delinquent child 5199
will be commencing employment with that employer subsequent to 5200
verification, the name and address of the offender's school or 5201
institution of higher education if the offender attends one at the 5202
time of verification or if the offender knows at the time of 5203

verification that the offender will be commencing attendance at 5204
that school or institution subsequent to verification, and any 5205
other information required by the bureau of criminal 5206
identification and investigation. 5207

(2) Regarding an offender who is verifying a current school, 5208
institution of higher education, or place of employment address, 5209
the current address of the school, institution of higher 5210
education, or place of employment of the offender and any other 5211
information required by the bureau of criminal identification and 5212
investigation. 5213

(E) Upon an offender's or delinquent child's personal 5214
appearance and completion of a verification form under division 5215
(C) of this section, a sheriff promptly shall forward a copy of 5216
the verification form to the bureau of criminal identification and 5217
investigation in accordance with the forwarding procedures adopted 5218
by the attorney general pursuant to section 2950.13 of the Revised 5219
Code. If an offender verifies a school, institution of higher 5220
education, or place of employment address, or provides a school or 5221
institution of higher education address under division (D)(1) of 5222
this section, the sheriff also shall provide notice to the law 5223
enforcement agency with jurisdiction over the premises of the 5224
school, institution of higher education, or place of employment of 5225
the offender's name and that the offender has verified or provided 5226
that address as a place at which the offender attends school or an 5227
institution of higher education or at which the offender is 5228
employed. The bureau shall include all information forwarded to it 5229
under this division in the state registry of sex offenders and 5230
child-victim offenders established and maintained under section 5231
2950.13 of the Revised Code. 5232

(F) No person who is required to verify a current residence, 5233
school, institution of higher education, or place of employment 5234
address, as applicable, pursuant to divisions (A) to (C) of this 5235

section shall fail to verify a current residence, school, 5236
institution of higher education, or place of employment address, 5237
as applicable, in accordance with those divisions by the date 5238
required for the verification as set forth in division (B) of this 5239
section, provided that no person shall be prosecuted or subjected 5240
to a delinquent child proceeding for a violation of this division, 5241
and that no parent, guardian, or custodian of a delinquent child 5242
shall be prosecuted for a violation of section 2919.24 of the 5243
Revised Code based on the delinquent child's violation of this 5244
division, prior to the expiration of the period of time specified 5245
in division (G) of this section. 5246

(G)(1) If an offender or delinquent child fails to verify a 5247
current residence, school, institution of higher education, or 5248
place of employment address, as applicable, as required by 5249
divisions (A) to (C) of this section by the date required for the 5250
verification as set forth in division (B) of this section, the 5251
sheriff with whom the offender or delinquent child is required to 5252
verify the current ~~residence~~ address, on the day following that 5253
date required for the verification, shall send a written warning 5254
to the offender or to the delinquent child and that child's 5255
parents, at the offender's or delinquent child's and that child's 5256
parents' last known residence, school, institution of higher 5257
education, or place of employment address, as applicable, 5258
regarding the offender's or delinquent child's duty to verify the 5259
offender's or delinquent child's current residence, school, 5260
institution of higher education, or place of employment address, 5261
as applicable. 5262

The written warning shall do all of the following: 5263

(a) Identify the sheriff who sends it and the date on which 5264
it is sent; 5265

(b) State conspicuously that the offender or delinquent child 5266
has failed to verify the offender's ~~or delinquent child's~~ current 5267

residence, school, institution of higher education, or place of 5268
employment address or the delinquent child's current residence 5269
address by the date required for the verification; 5270

(c) Conspicuously state that the offender or delinquent child 5271
has seven days from the date on which the warning is sent to 5272
verify the current residence, school, institution of higher 5273
education, or place of employment address, as applicable, with the 5274
sheriff who sent the warning; 5275

(d) Conspicuously state that a failure to timely verify the 5276
specified current ~~residence~~ address or addresses is a felony 5277
offense; 5278

(e) Conspicuously state that, if the offender ~~or delinquent~~ 5279
~~child~~ verifies the current residence, school, institution of 5280
higher education, or place of employment address or the delinquent 5281
child verifies the current residence address with that sheriff 5282
within that ~~seven-day period~~ seven-day period, the offender or 5283
delinquent child will not be prosecuted or subjected to a 5284
delinquent child proceeding for a failure to timely verify a 5285
current ~~residence~~ address and the delinquent child's parent, 5286
guardian, or custodian will not be prosecuted based on a failure 5287
of the delinquent child to timely verify an address; 5288

(f) Conspicuously state that, if the offender ~~or delinquent~~ 5289
~~child~~ does not verify the current residence, school, institution 5290
of higher education, or place of employment address or the 5291
delinquent child verifies the current residence address with that 5292
sheriff within that ~~seven-day period~~ seven-day period, the 5293
offender or delinquent child will be arrested or taken into 5294
custody, as appropriate, and prosecuted or subjected to a 5295
delinquent child proceeding for a failure to timely verify a 5296
current ~~residence~~ address and the delinquent child's parent, 5297
guardian, or custodian may be prosecuted for a violation of 5298
section 2919.24 of the Revised Code based on the delinquent 5299

child's failure to timely verify a current residence address. 5300

(2) If an offender or delinquent child fails to verify a 5301
current residence, school, institution of higher education, or 5302
place of employment address, as applicable, as required by 5303
divisions (A) to (C) of this section by the date required for the 5304
verification as set forth in division (B) of this section, the 5305
offender or delinquent child shall not be prosecuted or subjected 5306
to a delinquent child proceeding for a violation of division (F) 5307
of this section, and the delinquent child's parent, guardian, or 5308
custodian shall not be prosecuted for a violation of section 5309
2919.24 of the Revised Code based on the delinquent child's 5310
failure to timely verify a current residence address, as 5311
applicable, unless the ~~seven-day period~~ seven-day period 5312
subsequent to that date that the offender or delinquent child is 5313
provided under division (G)(1) of this section to verify the 5314
current ~~residence~~ address has expired and the offender or 5315
delinquent child, prior to the expiration of that ~~seven-day period~~ 5316
seven-day period, has not verified the current ~~residence~~ address. 5317
Upon the expiration of the ~~seven-day period~~ seven-day period that 5318
the offender or delinquent child is provided under division (G)(1) 5319
of this section to verify the current ~~residence~~ address ~~has~~ 5320
~~expired~~, if the offender or delinquent child has not verified the 5321
current ~~residence~~ address, all of the following apply: 5322

(a) The sheriff with whom the offender or delinquent child is 5323
required to verify the current residence, school, institution of 5324
higher education, or place of employment address, as applicable, 5325
promptly shall notify the bureau of criminal identification and 5326
investigation of the failure. 5327

(b) The sheriff with whom the offender or delinquent child is 5328
required to verify the current residence, school, institution of 5329
higher education, or place of employment address, as applicable, 5330
the sheriff of the county in which the offender or delinquent 5331

child resides, the sheriff of the county in which is located the 5332
offender's school, institution of higher education, or place of 5333
employment address that was to be verified, or a deputy of the 5334
appropriate sheriff, shall locate the offender or delinquent 5335
child, promptly shall seek a warrant for the arrest or taking into 5336
custody, as appropriate, of the offender or delinquent child for 5337
the violation of division (F) of this section and shall arrest the 5338
offender or take the child into custody, as appropriate. 5339

(c) The offender or delinquent child is subject to 5340
prosecution or a delinquent child proceeding for the violation of 5341
division (F) of this section, and the delinquent child's parent, 5342
guardian, or custodian may be subject to prosecution for a 5343
violation of section 2919.24 of the Revised Code based on the 5344
delinquent child's violation of that division. 5345

(H) ~~A person~~ An offender who is required to verify the 5346
~~person's~~ offender's current residence, school, institution of 5347
higher education, or place of employment address pursuant to 5348
divisions (A) to (C) of this section and a delinquent child who is 5349
required to verify the delinquent child's current residence 5350
address pursuant to those divisions shall do so for the period of 5351
time specified in section 2950.07 of the Revised Code. 5352

Sec. 2950.07. (A) The duty of an offender who is convicted of 5353
or pleads guilty to, or has been convicted of or pleaded guilty 5354
to, either a sexually oriented offense that is not a 5355
registration-exempt sexually oriented offense or a child-victim 5356
oriented offense and the duty of a delinquent child who is 5357
adjudicated a delinquent child for committing either a sexually 5358
oriented offense that is not a registration-exempt sexually 5359
oriented offense or a child-victim oriented offense and is 5360
classified a juvenile ~~sex~~ offender registrant or who is an 5361
out-of-state juvenile ~~sex~~ offender registrant to comply with 5362

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code commences on whichever of the following dates is applicable:

(1) If the offender's duty to register is imposed pursuant to division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date of the offender's release from a prison term, a term of imprisonment, or any other type of confinement or on July 1, 1997, for a duty under section 2950.04 or the effective date of this amendment for a duty under section 2950.041 of the Revised Code, whichever is later, and commences regarding addresses of schools, institutions of higher education, and places of employment on the date of the offender's release from a prison term, term of imprisonment, or any other type of confinement or on the effective date of this amendment, whichever is later.

(2) If the offender's duty to register is imposed pursuant to division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of section 2950.041 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses on the date of entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense or on July 1, 1997, for a duty under section 2950.04 or the effective date of this amendment for a duty under section 2950.041 of the Revised Code, whichever is later, and commences regarding addresses of schools, institutions of higher education, and places of employment on the date of entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense or on the effective date of this amendment, whichever is later.

(3) If the offender's duty to register is imposed pursuant to division (A)(1)(c) of section 2950.04 of the Revised Code, the offender's duty to comply with those sections commences regarding residence addresses fourteen days after July 1, 1997, and

commences regarding addresses of schools, institutions of higher 5395
education, and places of employment fourteen days after the 5396
effective date of this amendment. 5397

(4) If the offender's or delinquent child's duty to register 5398
is imposed pursuant to division (A)(3)(a) or (b) of section 5399
2950.04 or division (A)(3)(a) or (b) of section 2950.041 of the 5400
Revised Code, the offender's duty to comply with those sections 5401
commences regarding residence addresses on March 30, 1999, or on 5402
the date that the offender begins to reside or becomes temporarily 5403
domiciled in this state or on March 30, 1999, for a duty under 5404
section 2950.04 of the Revised Code or the effective date of this 5405
amendment for a duty under section 2950.041 of the Revised Code, 5406
whichever is later, the offender's duty regarding addresses of 5407
schools, institutions of higher education, and places of 5408
employment commences on the effective date of this amendment or on 5409
the date the offender begins attending any school or institution 5410
of higher education in this state on a full-time or part-time 5411
basis or becomes employed in this state, whichever is later, 5412
the delinquent child's duty commences on January 1, 2002, or on 5413
the date the delinquent child begins to reside or becomes 5414
temporarily domiciled in this state or on January 1, 2002, for a 5415
duty under section 2950.04 of the Revised Code or the effective 5416
date of this amendment for a duty under section 2950.041 of the 5417
Revised Code, whichever is later. 5418

(5) If the delinquent child's duty to register is imposed 5419
pursuant to division (A)(2) of section 2950.04 or division 5420
(A)(2)(a) of section 2950.041 of the Revised Code, if the 5421
delinquent child's classification as a juvenile ~~sex~~ offender 5422
registrant is made at the time of the child's disposition for that 5423
sexually oriented offense or child-victim oriented offense, 5424
whichever is applicable, and if the delinquent child is committed 5425
for the sexually oriented offense or child-victim oriented offense 5426

to the department of youth services or to a secure facility that 5427
is not operated by the department, the delinquent child's duty to 5428
comply with those sections commences on the date of the delinquent 5429
child's discharge or release from custody in the department of 5430
youth services secure facility or from the secure facility not 5431
operated by the department as described in that division. 5432

(6) If the delinquent child's duty to register is imposed 5433
pursuant to division (A)(2) of section 2950.04 or division 5434
(A)(2)(a) of section 2950.041 of the Revised Code and if either 5435
the delinquent child's classification as a juvenile ~~sex~~ offender 5436
registrant is made at the time of the child's disposition for that 5437
sexually oriented offense or child-victim oriented offense, 5438
whichever is applicable, and the delinquent child is not committed 5439
for the sexually oriented offense or child-victim oriented offense 5440
to the department of youth services or to a secure facility that 5441
is not operated by the department or the child's classification as 5442
a juvenile ~~sex~~ offender registrant is made pursuant to sections 5443
2152.83 of the Revised Code, the delinquent child's duty to comply 5444
with those sections commences on the date of entry of the court's 5445
order that classifies the delinquent child a juvenile ~~sex~~ offender 5446
registrant. 5447

(7) If the offender's duty to register is imposed pursuant to 5448
division (A)(1)(c) of section 2950.041 of the Revised Code, the 5449
offender's duty to comply with those sections regarding residence 5450
addresses is a continuation of the offender's former duty to 5451
register regarding residence addresses imposed prior to the 5452
effective date of this amendment under section 2950.04 of the 5453
Revised Code and shall be considered for all purposes as having 5454
commenced on the date that the offender's former duty under that 5455
section commenced. The offender's duty to comply with those 5456
sections commences regarding addresses of schools, institutions of 5457
higher education, and places of employment on the effective date 5458

of this amendment. 5459

(8) If the delinquent child's duty to register is imposed 5460
pursuant to division (A)(2)(b) of section 2950.041 of the Revised 5461
Code, the delinquent child's duty to comply with those sections is 5462
a continuation of the delinquent child's former duty to register 5463
imposed prior to the effective date of this amendment under 5464
section 2950.04 of the Revised Code and shall be considered for 5465
all purposes as having commenced on the date that the delinquent 5466
child's former duty under that section commenced or commences. 5467

(B) The duty of an offender who is convicted of or pleads 5468
guilty to, or has been convicted of or pleaded guilty to, either a 5469
sexually oriented offense that is not a registration-exempt 5470
sexually oriented offense or a child-victim oriented offense and 5471
the duty of a delinquent child who is adjudicated a delinquent 5472
child for committing either a sexually oriented offense that is 5473
not a registration-exempt sexually oriented offense or a 5474
child-victim oriented offense and is classified a juvenile ~~sex~~ 5475
offender registrant or who is an out-of-state juvenile ~~sex~~ 5476
offender registrant to comply with sections 2950.04, 2950.041, 5477
2950.05, and 2950.06 of the Revised Code continues, after the date 5478
of commencement, for whichever of the following periods is 5479
applicable: 5480

(1) Except as otherwise provided in this division, if the 5481
offense is a sexually oriented offense that is not a 5482
registration-exempt sexually oriented offense and the offender or 5483
delinquent child has been adjudicated a sexual predator relative 5484
to the sexually oriented offense ~~or~~, if the offense is a sexually 5485
oriented offense and the offender has the duty to register as a 5486
result of an aggravated sexually oriented offense ~~committed on or~~ 5487
~~after the effective date of this amendment,~~ or if the offense is a 5488
child-victim oriented offense and the offender or delinquent child 5489
has been adjudicated a child-victim predator relative to the 5490

child-victim oriented offense, the offender's or delinquent 5491
child's duty to comply with those sections continues until the 5492
offender's or delinquent child's death. Regarding ~~an offender or a~~ 5493
delinquent child who has been adjudicated a sexual predator 5494
relative to the sexually oriented offense or who has been 5495
adjudicated a child-victim predator relative to the child-victim 5496
oriented offense, if the judge who ~~sentenced the offender or~~ made 5497
the disposition for the delinquent child or that judge's successor 5498
in office subsequently enters a determination pursuant to ~~division~~ 5499
~~(D) of section 2950.09 or pursuant to~~ section 2152.84 or 2152.85 5500
of the Revised Code that the ~~offender or~~ delinquent child no 5501
longer is a sexual predator or child-victim predator, the 5502
~~offender's or~~ delinquent child's duty to comply with those 5503
sections continues for the period of time that otherwise would 5504
have been applicable to the ~~offender or~~ delinquent child under 5505
division (B)(2) or (3) of this section ~~or, if the offender's duty~~ 5506
~~to register results from a conviction of or plea of guilty to an~~ 5507
~~aggravated sexually oriented offense, until the offender's death~~ 5508
~~as specified under this division.~~ In no case shall the lifetime 5509
duty to register comply that is imposed under this division on an 5510
offender who is adjudicated a sexual predator or is adjudicated a 5511
child-victim predator or is imposed under this division for an 5512
aggravated sexually oriented offense ~~committed on or after the~~ 5513
~~effective date of this amendment, or the adjudication,~~ 5514
classification, or conviction that subjects the offender to this 5515
division, be removed or terminated. 5516

(2) If the judge who sentenced the offender or made the 5517
disposition for the delinquent child for committing the sexually 5518
oriented offense that is not a registration-exempt sexually 5519
oriented offense or the child-victim oriented offense, or the 5520
successor in office of the juvenile court judge who made the 5521
delinquent child disposition, determined pursuant to division (E) 5522
of section 2950.09 or 2950.091 or pursuant to division (B) of 5523

section 2152.83, section 2152.84, or section 2152.85 of the 5524
Revised Code that the offender or delinquent child is a habitual 5525
sex offender or a habitual child-victim offender, or if the 5526
offender or delinquent child is automatically classified a 5527
habitual child-victim offender pursuant to division (E) of section 5528
2950.091 of the Revised Code, the offender's ~~or delinquent child's~~ 5529
duty to comply with those sections continues either until the 5530
offender's death or for twenty years, determined as provided in 5531
this division, and the delinquent child's duty to comply with 5532
those sections continues for twenty years. If a delinquent child 5533
is so determined pursuant to division (E) of section 2950.09 ~~or~~ 5534
~~pursuant to division (B) of section 2152.83, section 2152.84, or~~ 5535
~~section 2152.85 of the Revised Code~~ or classified to be a habitual 5536
sex offender or a habitual child-victim offender and if the judge 5537
who made the disposition for the delinquent child or that judge's 5538
successor in office subsequently enters a determination pursuant 5539
to section 2152.84 or 2152.85 of the Revised Code that the 5540
delinquent child no longer is a habitual sex offender or habitual 5541
child-victim offender but remains a juvenile ~~sex~~ offender 5542
registrant, the delinquent child's duty to comply with those 5543
sections continues for the period of time that otherwise would 5544
have been applicable to the delinquent child under division (B)(3) 5545
of this section. Except as otherwise provided in this division, 5546
the offender's duty to comply with those sections continues until 5547
the offender's death. If a lifetime duty to comply is imposed 5548
under this division on an offender, in no case shall that lifetime 5549
duty, or the determination that subjects the offender to this 5550
division, be removed or terminated. The offender's duty to comply 5551
with those sections continues for twenty years if the offender is 5552
a habitual sex offender and both of the following apply: 5553

(a) At least one of the sexually oriented offenses of which 5554
the offender has been convicted or to which the offender has 5555
pleaded guilty and that are included in the habitual sex offender 5556

determination is a violation of division (A)(1) or (5) of section 2907.06 of the Revised Code involving a victim who is eighteen years of age or older, a violation of division (A), (B), or (E) of section 2907.08 of the Revised Code involving a victim who is eighteen years of age or older, or a violation of section 2903.211 of the Revised Code that is a misdemeanor;

(b) The total of all the sexually oriented offenses of which the offender has been convicted or to which the offender has pleaded guilty and that are included in the habitual sex offender determination does not include at least two sexually oriented offenses that are not described in division (B)(2)(a) of this section.

(3) If neither division (B)(1) nor (B)(2) of this section applies, the offender's or delinquent child's duty to comply with those sections continues for ten years. If a delinquent child is classified pursuant to section 2152.82 or 2152.83 of the Revised Code a juvenile ~~sex~~ offender registrant and if the judge who made the disposition for the delinquent child or that judge's successor in office subsequently enters a determination pursuant to section 2152.84 or 2152.85 of the Revised Code that the delinquent child no longer is to be classified a juvenile ~~sex~~ offender registrant, the delinquent child's duty to comply with those sections terminates upon the court's entry of the determination.

(C)(1) If an offender has been convicted of or pleaded guilty to a sexually oriented offense ~~or a delinquent child has been adjudicated a delinquent child for committing a sexually oriented offense and is classified a juvenile sex offender registrant or is an out-of-state juvenile sex offender registrant,~~ that is not a registration-exempt sexually oriented offense and ~~if~~ the offender subsequently is convicted of or pleads guilty to another sexually oriented offense or a child-victim oriented offense, if an offender has been convicted of or pleaded guilty to a child-victim

oriented offense and the offender subsequently is convicted of or 5589
pleads guilty to another child-victim oriented offense or a 5590
sexually oriented offense, if a delinquent child has been 5591
adjudicated a delinquent child for committing a sexually oriented 5592
offense that is not a registration-exempt sexually oriented 5593
offense and is classified a juvenile offender registrant or is an 5594
out-of-state juvenile offender registrant and the delinquent child 5595
subsequently is adjudicated a delinquent child for committing 5596
another sexually oriented offense or a child-victim oriented 5597
offense and is classified a juvenile ~~sex~~ offender registrant 5598
relative to that offense or subsequently is convicted of or pleads 5599
guilty to another sexually oriented offense or a child-victim 5600
oriented offense, or if a delinquent child has been adjudicated a 5601
delinquent child for committing a child-victim oriented offense 5602
and is classified a juvenile offender registrant or is an 5603
out-of-state juvenile offender registrant and the child 5604
subsequently is adjudicated a delinquent child for committing 5605
another child-victim oriented offense or a sexually oriented 5606
offense and is classified a juvenile offender registrant relative 5607
to that offense or subsequently is convicted of or pleads guilty 5608
to another child-victim oriented offense or a sexually oriented 5609
offense, the period of time for which the offender or delinquent 5610
child must comply with the sections specified in division (A) of 5611
this section shall be separately calculated pursuant to divisions 5612
(A)(1) to ~~(6)~~(8) and (B)(1) to (3) of this section for each of the 5613
sexually oriented offenses and child-victim oriented offenses, and 5614
the separately calculated periods of time shall be complied with 5615
independently. 5616

If a delinquent child has been adjudicated a delinquent child 5617
for committing either a sexually oriented offense that is not a 5618
registration-exempt sexually oriented offense or a child-victim 5619
oriented offense, is classified a juvenile ~~sex~~ offender registrant 5620
or is an out-of-state juvenile ~~sex~~ offender registrant relative to 5621

the offense, and, after attaining eighteen years of age, 5622
subsequently is convicted of or pleads guilty to another sexually 5623
oriented offense or child-victim oriented offense, the subsequent 5624
conviction or guilty plea does not limit, affect, or supersede the 5625
duties imposed upon the delinquent child under this chapter 5626
relative to the delinquent child's classification as a juvenile 5627
~~sex~~ offender registrant or as an out-of-state juvenile ~~sex~~ 5628
offender registrant, and the delinquent child shall comply with 5629
both those duties and the duties imposed under this chapter 5630
relative to the subsequent conviction or guilty plea. 5631

(2) If a delinquent child has been adjudicated a delinquent 5632
child for committing on or after January 1, 2002, either a 5633
sexually oriented offense that is not a registration-exempt 5634
sexually oriented offense or a child-victim oriented offense and 5635
is classified a juvenile ~~sex~~ offender registrant relative to the 5636
offense, if the order containing the classification also contains 5637
a determination by the juvenile judge that the ~~delinquent~~ child is 5638
a sexual predator or a habitual sex offender or that the child is 5639
a child-victim predator or a habitual child-victim offender, and 5640
if the juvenile judge or the judge's successor in office 5641
subsequently determines pursuant to section 2152.84 or 2152.85 of 5642
the Revised Code that the delinquent child no longer is a sexual 5643
predator or habitual sex offender or no longer is a child-victim 5644
predator or habitual child-victim offender, whichever is 5645
applicable, the judge's subsequent determination does not affect 5646
the date of commencement of the delinquent child's duty to comply 5647
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 5648
Revised Code as determined under division (A) of this section. 5649

(D) The duty of an offender or delinquent child to register 5650
under this chapter is tolled for any period during which the 5651
offender or delinquent child is returned to confinement in a 5652
secure facility for any reason or imprisoned for an offense when 5653

the confinement in a secure facility or imprisonment occurs 5654
subsequent to the date determined pursuant to division (A) of this 5655
section. The offender's or delinquent child's duty to register 5656
under this chapter resumes upon the offender's or delinquent 5657
child's release from confinement in a secure facility or 5658
imprisonment. 5659

(E) An offender or delinquent child who has been convicted ~~of~~ 5660
or pleaded guilty ~~to~~, or has been or is adjudicated a delinquent 5661
child ~~for committing, a sexually oriented offense,~~ in a court in 5662
another state ~~or,~~ in a federal court, military court, or ~~an~~ Indian 5663
tribal court, or in a court of any nation other than the United 5664
States for committing either a sexually oriented offense that is 5665
not a registration-exempt sexually oriented offense or a 5666
child-victim oriented offense may apply to the sheriff of the 5667
county in which the offender or delinquent child resides or 5668
temporarily is domiciled, or in which the offender attends a 5669
school or institution of higher education or is employed, for 5670
credit against the duty to register for the time that the offender 5671
or delinquent child has complied with the sex offender or 5672
child-victim offender registration requirements of another 5673
jurisdiction. The sheriff shall grant the offender or delinquent 5674
child credit against the duty to register for time for which the 5675
offender or delinquent child provides adequate proof that the 5676
offender or delinquent child has complied with the sex offender or 5677
child-victim offender registration requirements of another 5678
jurisdiction. If the offender or delinquent child disagrees with 5679
the determination of the sheriff, the offender or delinquent child 5680
may appeal the determination to the court of common pleas of the 5681
county in which the offender or delinquent child resides or is 5682
temporarily domiciled, or in which the offender attends a school 5683
or institution of higher education or is employed. 5684

Sec. 2950.08. The (A) Subject to division (B) of this 5685

section, the statements, information, photographs, and 5686
fingerprints required by sections 2950.04, 2950.041, 2950.05, and 5687
2950.06 of the Revised Code and provided by a person who 5688
registers, who provides notice of a change of residence, school, 5689
institution of higher education, or place of employment address 5690
and registers the new residence, school, institution of higher 5691
education, or place of employment address, or who provides 5692
verification of a current residence, school, institution of higher 5693
education, or place of employment address pursuant to those 5694
sections and that are in the possession of the bureau of criminal 5695
identification and investigation and the information in the 5696
possession of the bureau that was received by the bureau pursuant 5697
to section 2950.14 of the Revised Code shall not be open to 5698
inspection by the public or by any person other than the following 5699
persons: 5700

~~(A)~~(1) A regularly employed peace officer or other law 5701
enforcement officer; 5702

~~(B)~~(2) An authorized employee of the bureau of criminal 5703
identification and investigation for the purpose of providing 5704
information to a board, administrator, or person pursuant to 5705
division (F) or (G) of section 109.57 of the Revised Code; 5706

(3) The registrar of motor vehicles, or an employee of the 5707
registrar of motor vehicles, for the purpose of verifying and 5708
updating any of the information so provided, upon the request of 5709
the bureau of criminal identification and investigation. 5710

(B) Division (A) of this section does not apply to any 5711
information that is contained in the internet sex offender and 5712
child-victim offender database established by the attorney general 5713
under division (A)(11) of section 2950.13 of the Revised Code 5714
regarding offenders and that is disseminated as described in that 5715
division. 5716

Sec. 2950.081. (A) Any statements, information, photographs, 5717
or fingerprints that are required to be provided, and that are 5718
provided, by an offender or delinquent child pursuant to section 5719
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code 5720
~~requires a person to provide, that are provided by a person who~~ 5721
~~registers, who provides notice of a change of residence address~~ 5722
~~and registers the new residence address, or who provides~~ 5723
~~verification of a current residence address pursuant to any~~ 5724
~~provision of those sections,~~ and that are in the possession of a 5725
county sheriff are public records open to public inspection under 5726
section 149.43 of the Revised Code and shall be included in the 5727
internet sex offender and child-victim offender database 5728
established and maintained under section 2950.13 of the Revised 5729
Code to the extent provided in that section. 5730

(B) Except when the child is classified a juvenile offender 5731
registrant and the act that is the basis of a ~~child's~~ the 5732
~~classification as a juvenile sex offender registrant~~ is a 5733
violation of, or an attempt to commit a violation of, section 5734
2903.01, 2903.02, or 2905.01 of the Revised Code that was 5735
committed with a purpose to gratify the sexual needs or desires of 5736
the child, a violation of section 2907.02 of the Revised Code, or 5737
an attempt to commit a violation of that section, the sheriff 5738
shall not cause to be publicly disseminated by means of the 5739
internet any statements, information, photographs, or fingerprints 5740
that are provided by a juvenile ~~sex~~ offender registrant who sends 5741
a notice of intent to reside, registers, ~~who~~ provides notice of a 5742
change of residence address and registers the new residence 5743
address, or ~~who~~ provides verification of a current residence 5744
address pursuant to this chapter and that are in the possession of 5745
a county sheriff. 5746

Sec. 2950.09. (A) If a person is convicted of or pleads 5747

guilty to committing, on or after January 1, 1997, a sexually 5748
oriented offense that is not a registration-exempt sexually 5749
oriented offense and that is a sexually violent offense and also 5750
is convicted of or pleads guilty to a sexually violent predator 5751
specification that was included in the indictment, count in the 5752
indictment, or information charging the sexually violent offense, 5753
the conviction of or plea of guilty to the specification 5754
automatically classifies the offender as a sexual predator for 5755
purposes of this chapter. If a person is convicted ~~of~~, pleads 5756
guilty ~~to~~, or ~~is~~ adjudicated a delinquent child ~~for committing~~, a 5757
~~sexually oriented offense~~ in a court in another state, ~~or~~ in a 5758
federal court, military court, or ~~an~~ Indian tribal court, or in a 5759
court of any nation other than the United States for committing a 5760
sexually oriented offense that is not a registration-exempt 5761
sexually oriented offense, and if, as a result of that conviction, 5762
plea of guilty, or adjudication, the person is required, under the 5763
law of the jurisdiction in which the person was convicted, pleaded 5764
guilty, or was adjudicated, to register as a sex offender until 5765
the person's death ~~and is required to verify the person's address~~ 5766
~~on at least a quarterly basis each year~~, that conviction, plea of 5767
guilty, or adjudication automatically classifies the person as a 5768
sexual predator for the purposes of this chapter, but the person 5769
may challenge that classification pursuant to division (F) of this 5770
section. In all other cases, a person who is convicted of or 5771
pleads guilty to, has been convicted of or pleaded guilty to, or 5772
is adjudicated a delinquent child for committing, a sexually 5773
oriented offense may be classified as a sexual predator for 5774
purposes of this chapter only in accordance with division (B) or 5775
(C) of this section or, regarding delinquent children, divisions 5776
(B) and (C) of section 2152.83 of the Revised Code. 5777

(B)(1)(a) The judge who is to impose sentence on a person who 5778
is convicted of or pleads guilty to a sexually oriented offense 5779
that is not a registration-exempt sexually oriented offense shall 5780

conduct a hearing to determine whether the offender is a sexual predator if any of the following circumstances apply:

(i) Regardless of when the sexually oriented offense was committed, the offender is to be sentenced on or after January 1, 1997, for a sexually oriented offense that is not a registration-exempt sexually oriented offense and that is not a sexually violent offense.

(ii) Regardless of when the sexually oriented offense was committed, the offender is to be sentenced on or after January 1, 1997, for a sexually oriented offense that is not a registration-exempt sexually oriented offense and that is a sexually violent offense, and a sexually violent predator specification was not included in the indictment, count in the indictment, or information charging the sexually violent offense.

(iii) Regardless of when the sexually oriented offense was committed, the offender is to be sentenced on or after May 7, 2002, for a sexually oriented offense that is not a registration-exempt sexually oriented offense, and that offender was acquitted of a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually oriented offense.

(b) The judge who is to impose or has imposed an order of disposition upon a child who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense that is not a registration-exempt sexually oriented offense shall conduct a hearing as provided in this division to determine whether the child is to be classified as a sexual predator if either of the following applies:

(i) The judge is required by section 2152.82 or division (A) of section 2152.83 of the Revised Code to classify the child a juvenile ~~sex~~ offender registrant.

(ii) Division (B) of section 2152.83 of the Revised Code 5812
applies regarding the child, the judge conducts a hearing under 5813
that division for the purposes described in that division, and the 5814
judge determines at that hearing that the child will be classified 5815
a juvenile ~~sex~~ offender registrant. 5816

(2) Regarding an offender, the judge shall conduct the 5817
hearing required by division (B)(1)(a) of this section prior to 5818
sentencing and, if the sexually oriented offense for which 5819
sentence is to be imposed is a felony and if the hearing is being 5820
conducted under division (B)(1)(a) of this section, the judge may 5821
conduct it as part of the sentencing hearing required by section 5822
2929.19 of the Revised Code. Regarding a delinquent child, the 5823
judge may conduct the hearing required by division (B)(1)(b) of 5824
this section at the same time as, or separate from, the 5825
dispositional hearing, as specified in the applicable provision of 5826
section 2152.82 or 2152.83 of the Revised Code. The court shall 5827
give the offender or delinquent child and the prosecutor who 5828
prosecuted the offender or handled the case against the delinquent 5829
child for the sexually oriented offense notice of the date, time, 5830
and location of the hearing. At the hearing, the offender or 5831
delinquent child and the prosecutor shall have an opportunity to 5832
testify, present evidence, call and examine witnesses and expert 5833
witnesses, and cross-examine witnesses and expert witnesses 5834
regarding the determination as to whether the offender or 5835
delinquent child is a sexual predator. The offender or delinquent 5836
child shall have the right to be represented by counsel and, if 5837
indigent, the right to have counsel appointed to represent the 5838
offender or delinquent child. 5839

(3) In making a determination under divisions (B)(1) and (4) 5840
of this section as to whether an offender or delinquent child is a 5841
sexual predator, the judge shall consider all relevant factors, 5842
including, but not limited to, all of the following: 5843

(a) The offender's or delinquent child's age;	5844
(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;	5845 5846 5847
(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;	5848 5849 5850
(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;	5851 5852 5853
(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;	5854 5855 5856
(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;	5857 5858 5859 5860 5861 5862 5863 5864 5865
(g) Any mental illness or mental disability of the offender or delinquent child;	5866 5867
(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	5868 5869 5870 5871 5872
(i) Whether the offender or delinquent child, during the	5873

commission of the sexually oriented offense for which sentence is 5874
to be imposed or the order of disposition is to be made, displayed 5875
cruelty or made one or more threats of cruelty; 5876

(j) Any additional behavioral characteristics that contribute 5877
to the offender's or delinquent child's conduct. 5878

(4) After reviewing all testimony and evidence presented at 5879
the hearing conducted under division (B)(1) of this section and 5880
the factors specified in division (B)(3) of this section, the 5881
court shall determine by clear and convincing evidence whether the 5882
subject offender or delinquent child is a sexual predator. If the 5883
court determines that the subject offender or delinquent child is 5884
not a sexual predator, the court shall specify in the offender's 5885
sentence and the judgment of conviction that contains the sentence 5886
or in the delinquent child's dispositional order, as appropriate, 5887
that the court has determined that the offender or delinquent 5888
child is not a sexual predator and the reason or reasons why the 5889
court determined that the subject offender or delinquent child is 5890
not a sexual predator. If the court determines by clear and 5891
convincing evidence that the subject offender or delinquent child 5892
is a sexual predator, the court shall specify in the offender's 5893
sentence and the judgment of conviction that contains the sentence 5894
or in the delinquent child's dispositional order, as appropriate, 5895
that the court has determined that the offender or delinquent 5896
child is a sexual predator and shall specify that the 5897
determination was pursuant to division (B) of this section. In any 5898
case in which the sexually oriented offense in question is an 5899
aggravated sexually oriented offense ~~committed on or after the~~ 5900
~~effective date of this amendment~~, the court shall specify in the 5901
offender's sentence and the judgment of conviction that contains 5902
the sentence that the offender's offense is an aggravated sexually 5903
oriented offense. The offender or delinquent child and the 5904
prosecutor who prosecuted the offender or handled the case against 5905

the delinquent child for the sexually oriented offense in question 5906
may appeal as a matter of right the court's determination under 5907
this division as to whether the offender or delinquent child is, 5908
or is not, a sexual predator. 5909

(5) A hearing shall not be conducted under division (B) of 5910
this section regarding an offender if the sexually oriented 5911
offense in question is a sexually violent offense, if the 5912
indictment, count in the indictment, or information charging the 5913
offense also included a sexually violent predator specification, 5914
and if the offender is convicted of or pleads guilty to that 5915
sexually violent predator specification. 5916

(C)(1) If a person was convicted of or pleaded guilty to a 5917
sexually oriented offense that is not a registration-exempt 5918
sexually oriented offense prior to January 1, 1997, if the person 5919
was not sentenced for the offense on or after January 1, 1997, and 5920
if, on or after January 1, 1997, the offender is serving a term of 5921
imprisonment in a state correctional institution, the department 5922
of rehabilitation and correction shall do whichever of the 5923
following is applicable: 5924

(a) If the sexually oriented offense was an offense described 5925
in division (D)(1)(c) of section 2950.01 of the Revised Code or 5926
was a violent sex offense, the department shall notify the court 5927
that sentenced the offender of this fact, and the court shall 5928
conduct a hearing to determine whether the offender is a sexual 5929
predator. 5930

(b) If division (C)(1)(a) of this section does not apply, the 5931
department shall determine whether to recommend that the offender 5932
be adjudicated ~~as being~~ a sexual predator. In making a 5933
determination under this division as to whether to recommend that 5934
the offender be adjudicated ~~as being~~ a sexual predator, the 5935
department shall consider all relevant factors, including, but not 5936
limited to, all of the factors specified in ~~division~~ divisions 5937

(B)(2) and (3) of this section. If the department determines that 5938
it will recommend that the offender be adjudicated ~~as being~~ a 5939
sexual predator, it immediately shall send the recommendation to 5940
the court that sentenced the offender ~~and~~. If the department 5941
determines that it will not recommend that the offender be 5942
adjudicated a sexual predator, it immediately shall send its 5943
determination to the court that sentenced the offender. In all 5944
cases, the department shall enter its determination and 5945
recommendation in the offender's institutional record, and the 5946
court shall proceed in accordance with division (C)(2) of this 5947
section. 5948

(2)(a) If the department of rehabilitation and correction 5949
sends to a court a notice under division (C)(1)(a) of this 5950
section, the court shall conduct a hearing to determine whether 5951
the subject offender is a sexual predator. If, pursuant to 5952
division (C)(1)(b) of this section, the department ~~of~~ 5953
~~rehabilitation and correction~~ sends to a court a recommendation 5954
that an offender ~~who has been convicted of or pleaded guilty to a~~ 5955
~~sexually oriented offense~~ be adjudicated ~~as being~~ a sexual 5956
predator, the court is not bound by the department's 5957
recommendation, and the court ~~may~~ shall conduct a hearing to 5958
determine whether the offender is a sexual predator. ~~The~~ In any 5959
case, the court may deny the recommendation and determine that the 5960
offender is not a sexual predator without a hearing but shall not 5961
make a determination ~~that~~ as to whether the offender is, or is 5962
not, a sexual predator ~~in any case~~ without a hearing. The court 5963
may hold the hearing and make the determination prior to the 5964
offender's release from imprisonment or at any time within one 5965
year following the offender's release from that imprisonment. ~~If~~ 5966
~~the court determines without a hearing that the offender is not a~~ 5967
~~sexual predator, it shall include its determination in the~~ 5968
~~offender's institutional record and~~ 5969

(b) If, pursuant to division (C)(1)(b) of this section, the 5970
department sends to the court a determination that it is not 5971
recommending that an offender be adjudicated a sexual predator, 5972
the court shall not make any determination as to whether the 5973
offender is, or is not, a sexual predator but shall determine 5974
whether the offender previously has been convicted of or pleaded 5975
guilty to a sexually oriented offense other than the offense in 5976
relation to which the ~~court determined that the offender is not a~~ 5977
~~sexual predator~~ department made its determination or previously 5978
has been convicted of or pleaded guilty to a child-victim oriented 5979
offense. 5980

The court may ~~make the determination as to~~ conduct a hearing 5981
to determine whether the offender previously has been convicted of 5982
or pleaded guilty to a sexually oriented offense or a child-victim 5983
oriented offense but may make the determination without a hearing, 5984
~~but.~~ However, if the court determines that the offender previously 5985
has been convicted of or pleaded guilty to such an offense, it 5986
shall not impose a requirement that the offender be subject to the 5987
community notification provisions ~~regarding the offender's place~~ 5988
~~of residence that are contained in sections 2950.10 and 2950.11 of~~ 5989
the Revised Code without a hearing. ~~The court may conduct a~~ 5990
~~hearing to determine both whether the offender previously has been~~ 5991
~~convicted of or pleaded guilty to a sexually oriented offense and~~ 5992
~~whether to impose a requirement that the offender be subject to~~ 5993
~~the community notification provisions as described in this~~ 5994
~~division, or may conduct a hearing solely to make the latter~~ 5995
~~determination.~~ In determining whether to impose the community 5996
notification requirement, the court, in the circumstances 5997
described in division (E)(2) of this section, shall apply the 5998
presumption specified in that division. The court shall include in 5999
the offender's institutional record any determination made under 6000
this division as to whether the offender previously has been 6001

convicted of or pleaded guilty to a sexually oriented offense or 6002
child-victim oriented offense, and, as such, whether the offender 6003
is a habitual sex offender. 6004

~~(b) If the court schedules~~ (c) Upon scheduling a hearing 6005
under division (C)(2)(a) or (b) of this section, the court shall 6006
give the offender and the prosecutor who prosecuted the offender 6007
for the sexually oriented offense, or that prosecutor's successor 6008
in office, notice of the date, time, and place of the hearing. If 6009
the hearing is scheduled under division (C)(2)(a) of this section 6010
to determine whether the offender is a sexual predator, ~~it~~ the 6011
prosecutor who is given the notice may contact the department of 6012
rehabilitation and correction and request that the department 6013
provide to the prosecutor all information the department possesses 6014
regarding the offender that is relevant and necessary for use in 6015
making the determination as to whether the offender is a sexual 6016
predator and that is not privileged or confidential under law. If 6017
the prosecutor makes a request for that information, the 6018
department promptly shall provide to the prosecutor all 6019
information the department possesses regarding the offender that 6020
is not privileged or confidential under law and that is relevant 6021
and necessary for making that determination. A hearing scheduled 6022
under division (C)(2)(a) of this section to determine whether the 6023
offender is a sexual predator shall be conducted in the manner 6024
described in division (B)(1) of this section regarding hearings 6025
conducted under that division and, in making a determination under 6026
this division as to whether the offender is a sexual predator, the 6027
court shall consider all relevant factors, including, but not 6028
limited to, all of the factors specified in ~~division~~ divisions 6029
(B)(2) and (3) of this section. After reviewing all testimony and 6030
evidence presented at the sexual predator hearing and the factors 6031
specified in ~~division~~ divisions (B)(2) and (3) of this section, 6032
the court shall determine by clear and convincing evidence whether 6033
the offender is a sexual predator. If the court determines at the 6034

sexual predator hearing that the offender is not a sexual 6035
predator, it also shall determine whether the offender previously 6036
has been convicted of or pleaded guilty to a sexually oriented 6037
offense other than the offense in relation to which the hearing is 6038
being conducted. 6039

Upon making its determinations at the sexual predator 6040
hearing, the court shall proceed as follows: 6041

(i) ~~If the hearing is to determine whether the offender is a~~ 6042
~~sexual predator, and if the court determines that the offender is~~ 6043
not a sexual predator and that the offender previously has not 6044
been convicted of or pleaded guilty to a sexually oriented offense 6045
other than the offense in relation to which the hearing is being 6046
conducted and previously has not been convicted of or pleaded 6047
guilty to a child-victim oriented offense, it shall include ~~its~~ 6048
~~determinations~~ in the offender's institutional record its 6049
determinations and the reason or reasons why it determined that 6050
the offender is not a sexual predator. 6051

(ii) ~~If the hearing is to determine whether the offender is a~~ 6052
~~sexual predator, and if the court determines that the offender is~~ 6053
not a sexual predator but that the offender previously has been 6054
convicted of or pleaded guilty to a sexually oriented offense 6055
other than the offense in relation to which the hearing is being 6056
conducted or previously has been convicted of or pleaded guilty to 6057
a child-victim oriented offense, it shall include ~~its~~ 6058
~~determination that the offender is not a sexual predator but is a~~ 6059
~~habitual sex offender~~ in the offender's institutional record its 6060
determination that the offender is not a sexual predator but is a 6061
habitual sex offender and the reason or reasons why it determined 6062
that the offender is not a sexual predator, shall attach the 6063
determinations and the reason or reasons to the offender's 6064
sentence, shall specify that the determinations were pursuant to 6065
division (C) of this section, shall provide a copy of the 6066

determinations and the reason or reasons to the offender, to the 6067
prosecuting attorney, and to the department of rehabilitation and 6068
correction, and may impose a requirement that the offender be 6069
subject to the community notification provisions ~~regarding the~~ 6070
~~offender's place of residence that~~ are contained in sections 6071
2950.10 and 2950.11 of the Revised Code. In determining whether to 6072
impose the community notification requirements, the court, in the 6073
circumstances described in division (E)(2) of this section, shall 6074
apply the presumption specified in that division. The offender 6075
shall not be subject to those community notification provisions 6076
relative to the sexually oriented offense in question if the court 6077
does not so impose the requirement described in this division. If 6078
the court imposes ~~those community notification provisions that~~ 6079
requirement, the offender may appeal the judge's determination 6080
that the offender is a habitual sex offender. 6081

(iii) ~~If the hearing is to determine whether the offender~~ 6082
~~previously has been convicted of or pleaded guilty to a sexually~~ 6083
~~oriented offense other than the offense in relation to which the~~ 6084
~~hearing is being conducted and whether to impose a requirement~~ 6085
~~that the offender be subject to the specified community~~ 6086
~~notification provisions, and if the court determines that the~~ 6087
~~offender previously has been convicted of or pleaded guilty to~~ 6088
~~such an offense, the court shall proceed as described in division~~ 6089
~~(C)(2)(b)(ii) of this section and may impose a community~~ 6090
~~notification requirement as described in that division. The~~ 6091
~~offender shall not be subject to the specified community~~ 6092
~~notification provisions relative to the sexually oriented offense~~ 6093
~~in question if the court does not so impose the requirement~~ 6094
~~described in that division. If the court imposes those community~~ 6095
~~notification provisions, the offender may appeal the judge's~~ 6096
~~determination that the offender is a habitual sex offender.~~ 6097

(iv) ~~If the court determined without a hearing that the~~ 6098

~~offender previously has been convicted of or pleaded guilty to a sexually oriented offense other than the offense in relation to which the court determined that the offender is not a sexual predator, and, as such, is a habitual sex offender, and the hearing is solely to determine whether to impose a requirement that the offender be subject to the specified community notification provisions, after the hearing, the court may impose a community notification requirement as described in division (C)(2)(b)(ii) of this section. The offender shall not be subject to the specified community notification provisions relative to the sexually oriented offense in question if the court does not so impose the requirement described in that division. If the court imposes those community notification provisions, the offender may appeal the judge's determination that the offender is a habitual sex offender.~~

~~(v) If the hearing is to determine whether the offender is a sexual predator, and if the court determines by clear and convincing evidence that the offender is a sexual predator, it shall enter its determination in the offender's institutional record, shall attach the determination to the offender's sentence, shall specify that the determination was pursuant to division (C) of this section, and shall provide a copy of the determination to the offender, to the prosecuting attorney, and to the department of rehabilitation and correction. The offender and the prosecutor may appeal as a matter of right the judge's determination under this division divisions (C)(2)(a) and (c) of this section as to whether the offender is, or is not, a sexual predator.~~

If the hearing is scheduled under division (C)(2)(b) of this section to determine whether the offender previously has been convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense or whether to subject the offender to the community notification provisions contained in sections

2950.10 and 2950.11 of the Revised Code, upon making the 6131
determination, the court shall attach the determination or 6132
determinations to the offender's sentence, shall provide a copy to 6133
the offender, to the prosecuting attorney, and to the department 6134
of rehabilitation and correction and may impose a requirement that 6135
the offender be subject to the community notification provisions. 6136
In determining whether to impose the community notification 6137
requirements, the court, in the circumstances described in 6138
division (E)(2) of this section, shall apply the presumption 6139
specified in that division. The offender shall not be subject to 6140
the community notification provisions relative to the sexually 6141
oriented offense in question if the court does not so impose the 6142
requirement described in this division. If the court imposes that 6143
requirement, the offender may appeal the judge's determination 6144
that the offender is a habitual sex offender. 6145

(3) The changes made in divisions (C)(1) and (2) of this 6146
section that take effect on the effective date of this amendment 6147
do not require a court to conduct a new hearing under those 6148
divisions for any offender regarding a sexually oriented offense 6149
if, prior to the effective date of this amendment, the court 6150
previously conducted a hearing under those divisions regarding 6151
that offense to determine whether the offender was a sexual 6152
predator. The changes made in divisions (C)(1) and (2) of this 6153
section that take effect on the effective date of this amendment 6154
do not require a court to conduct a hearing under those divisions 6155
for any offender regarding a sexually oriented offense if, prior 6156
to the effective date of this amendment and pursuant to those 6157
divisions, the department of rehabilitation and correction 6158
recommended that the offender be adjudicated a sexual predator 6159
regarding that offense, and the court denied the recommendation 6160
and determined that the offender was not a sexual predator without 6161
a hearing, provided that this provision does not apply if the 6162
sexually oriented offense in question was an offense described in 6163

division (D)(1)(c) of section 2950.01 of the Revised Code. 6164

(D)(1) Division (D)~~(1)~~ of this section ~~applies~~ does not apply 6165
to ~~persons~~ any person who ~~have~~ has been convicted of or pleaded 6166
guilty to a sexually oriented offense ~~and also.~~ Division (D) of 6167
this section applies only to delinquent children as provided in 6168
Chapter 2152. of the Revised Code. A person who has been 6169
adjudicated a delinquent child for committing a sexually oriented 6170
offense that is not a registration-exempt sexually oriented 6171
offense and who has been classified by a juvenile court judge a 6172
juvenile ~~sex~~ offender registrant or, if applicable, additionally 6173
has been determined by a juvenile court judge to be a sexual 6174
predator or habitual sex offender, may petition the adjudicating 6175
court for a reclassification or declassification pursuant to 6176
section 2152.85 of the Revised Code. 6177

~~Upon the expiration of the applicable period of time~~ 6178
~~specified in division (D)(1)(a) or (b) of this section, an~~ 6179
~~offender who has been convicted of or pleaded guilty to a sexually~~ 6180
~~oriented offense and who has been adjudicated as being a sexual~~ 6181
~~predator relative to the sexually oriented offense in the manner~~ 6182
~~described in division (B) or (C) of this section may petition the~~ 6183
~~judge who made the determination that the offender was a sexual~~ 6184
~~predator, or that judge's successor in office, to enter a~~ 6185
~~determination that the offender no longer is a sexual predator.~~ 6186
~~Upon the filing of the petition, the judge may review the prior~~ 6187
~~sexual predator determination that comprises the sexual predator~~ 6188
~~adjudication, and, upon consideration of~~ A judge who is reviewing 6189
a sexual predator determination for a delinquent child under 6190
section 2152.84 or 2152.85 of the Revised Code shall comply with 6191
this section. At the hearing, the judge shall consider all 6192
relevant evidence and information, including, but not limited to, 6193
the factors set forth in division (B)(3) of this section, ~~either~~ 6194
~~shall enter a determination that the offender no longer is a~~ 6195

~~sexual predator or shall enter an order denying the petition. The judge shall not enter a determination under this division that the offender delinquent child no longer is a sexual predator unless the judge determines by clear and convincing evidence that the offender delinquent child is unlikely to commit a sexually oriented offense in the future. If the judge enters a determination under this division that the offender delinquent child no longer is a sexual predator, the judge shall notify the bureau of criminal identification and investigation and the parole board of the determination and shall include in the notice a statement of the reason or reasons why it determined that the delinquent child no longer is a sexual predator.~~ Upon receipt of the notification, the bureau promptly shall notify the sheriff with whom the offender delinquent child most recently registered under section 2950.04 or 2950.05 of the Revised Code of the determination that the offender delinquent child no longer is a sexual predator. ~~If the judge enters a determination under this division that the offender no longer is a sexual predator and if the offender has a duty to register under section 2950.04 of the Revised Code resulting from the offender's conviction of or plea of guilty to committing on or after the effective date of this amendment an aggravated sexually oriented offense, the entry of the determination under this division does not affect any duties imposed upon the offender under this chapter as a result of that conviction of or plea of guilty to the aggravated sexually oriented offense. If the judge enters an order denying the petition, the prior adjudication of the offender as a sexual predator shall remain in effect. An offender determined to be a sexual predator in the manner described in division (B) or (C) of this section may file a petition under this division after the expiration of the following periods of time:~~

~~(a) Regardless of when the sexually oriented offense was committed, if, on or after January 1, 1997, the offender is~~

~~imprisoned or sentenced to a prison term or other confinement for 6229
the sexually oriented offense in relation to which the 6230
determination was made, the offender initially may file the 6231
petition not earlier than one year prior to the offender's release 6232
from the imprisonment, prison term, or other confinement by 6233
discharge, parole, judicial release, or any other final release. 6234
If the offender is sentenced on or after January 1, 1997, for the 6235
sexually oriented offense in relation to which the determination 6236
is made and is not imprisoned or sentenced to a prison term or 6237
other confinement for the sexually oriented offense, the offender 6238
initially may file the petition upon the expiration of one year 6239
after the entry of the offender's judgment of conviction. 6240~~

~~(b) After the offender's initial filing of a petition under 6241
division (D)(1)(a) of this section, thereafter, an offender may 6242
file a petition under this division upon the expiration of five 6243
years after the court has entered an order denying the petition 6244
under division (D)(1)(a) of this section or the most recent 6245
petition the offender has filed under this division. 6246~~

~~(2) Except as otherwise provided in this division, division 6247
(D)(1) of this section does not apply to a person who is 6248
classified as a sexual predator pursuant to division (A) of this 6249
section. If a person who is so classified was sentenced to a 6250
prison term pursuant to division (A)(3) of section 2971.03 of the 6251
Revised Code and if the sentencing court terminates the offender's 6252
prison term as provided in division (D) of section 2971.05 of the 6253
Revised Code, the court's termination of the prison term 6254
automatically shall constitute a determination by the court that 6255
the offender no longer is a sexual predator. However, if there is 6256
a determination under this division that the offender no longer is 6257
a sexual predator and if the offender has a duty to register under 6258
section 2950.04 of the Revised Code resulting from the offender's 6259
conviction of or plea of guilty to committing on or after the 6260~~

~~effective date of this amendment an aggravated sexually oriented offense, the determination under this division does not affect any duties imposed upon the offender under this chapter as a result of that conviction of or plea of guilty to the aggravated sexually oriented offense. If the court so terminates the offender's prison term, the court shall notify the bureau of criminal identification and investigation and the parole board of the determination that the offender no longer is a sexual predator. Upon receipt of the notification, the bureau promptly shall notify the sheriff with whom the offender most recently registered under section 2950.04 or 2950.05 of the Revised Code that the offender no longer is a sexual predator. If an offender who has been convicted of or pleaded guilty to a sexually oriented offense is classified as a sexual predator pursuant to division (A) of this section ~~is released from prison pursuant to a pardon or commutation or has been adjudicated a sexual predator relative to the offense as described in division (B) or (C) of this section, subject to division (F) of this section~~, the classification or adjudication of the offender as a sexual predator shall remain in effect after the offender's release, and the offender may file one or more petitions in accordance with the procedures and time limitations contained in division (D)(1) of this section for a determination that the offender no longer is a sexual predator is permanent and continues in effect until the offender's death and in no case shall the classification or adjudication be removed or terminated.~~

(E)(1) If a person is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is not a registration-exempt sexually oriented offense, the judge who is to impose sentence on the offender shall determine, prior to sentencing, whether the offender previously has been convicted of or pleaded guilty to, or adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense and is a habitual sex offender. The

judge who is to impose or has imposed an order of disposition upon 6294
a child who is adjudicated a delinquent child for committing on or 6295
after January 1, 2002, a sexually oriented offense that is not a 6296
registration-exempt sexually oriented offense shall determine, 6297
prior to entering the order classifying the delinquent child a 6298
juvenile ~~sex~~ offender registrant, whether the delinquent child 6299
previously has been convicted of or pleaded guilty to, or 6300
adjudicated a delinquent child for committing, a sexually oriented 6301
offense or a child-victim oriented offense and is a habitual sex 6302
offender, if either of the following applies: 6303

(a) The judge is required by section 2152.82 or division (A) 6304
of section 2152.83 of the Revised Code to classify the child a 6305
juvenile ~~sex~~ offender registrant; 6306

(b) Division (B) of section 2152.83 of the Revised Code 6307
applies regarding the child, the judge conducts a hearing under 6308
that division for the purposes described in that division, and the 6309
judge determines at that hearing that the child will be classified 6310
a juvenile ~~sex~~ offender registrant. 6311

(2) If, under division (E)(1) of this section, the judge 6312
determines that the offender or delinquent child previously has 6313
not been convicted of or pleaded guilty to, or been adjudicated a 6314
delinquent child for committing, a sexually oriented offense or a 6315
child-victim oriented offense or that the offender otherwise does 6316
not satisfy the criteria for being a habitual sex offender, the 6317
judge shall specify in the offender's sentence or in the order 6318
classifying the delinquent child a juvenile ~~sex~~ offender 6319
registrant that the judge has determined that the offender or 6320
delinquent child is not a habitual sex offender. ~~If~~ 6321

If, under division (E)(1) of this section, the judge 6322
determines that the offender or delinquent child previously has 6323
been convicted of or pleaded guilty to, or been adjudicated a 6324
delinquent child for committing, a sexually oriented offense or a 6325

child-victim oriented offense and that the offender satisfies all 6326
other criteria for being a habitual sex offender, the offender or 6327
delinquent child is a habitual sex offender or habitual 6328
child-victim offender and the court shall determine whether to 6329
impose a requirement that the offender or delinquent child be 6330
subject to the community notification provisions contained in 6331
sections 2950.10 and 2950.11 of the Revised Code. In making the 6332
determination regarding the possible imposition of the community 6333
notification requirement, if at least two of the sexually oriented 6334
offenses or child-victim oriented offenses that are the basis of 6335
the habitual sex offender or habitual child-victim offender 6336
determination were committed against a victim who was under 6337
eighteen years of age, it is presumed that subjecting the offender 6338
or delinquent child to the community notification provisions is 6339
necessary in order to comply with the determinations, findings, 6340
and declarations of the general assembly regarding sex offenders 6341
and child-victim offenders that are set forth in section 2950.02 6342
of the Revised Code. When a judge determines as described in this 6343
division that an offender or delinquent child is a habitual sex 6344
offender or a habitual child-victim offender, the judge shall 6345
specify in the offender's sentence and the judgment of conviction 6346
that contains the sentence or in the order classifying the 6347
delinquent child a juvenile ~~sex~~ offender registrant that the judge 6348
has determined that the offender or delinquent child is a habitual 6349
sex offender and may impose a requirement in that sentence and 6350
judgment of conviction or in that order that the offender or 6351
delinquent child be subject to the community notification 6352
provisions ~~regarding the offender's or delinquent child's place of~~ 6353
~~residence that are~~ contained in sections 2950.10 and 2950.11 of 6354
the Revised Code. Unless the habitual sex offender also has been 6355
adjudicated ~~as being~~ a sexual predator relative to the sexually 6356
oriented offense in question or the habitual sex offender was 6357
convicted of or pleaded guilty to an aggravated sexually oriented 6358

offense that was committed on or after the effective date of this 6359
amendment, the offender or delinquent child shall be subject to 6360
those community notification provisions only if the court imposes 6361
the requirement described in this division in the offender's 6362
sentence and the judgment of conviction or in the order 6363
classifying the delinquent child a juvenile ~~sex~~ offender 6364
registrant. If the court determines pursuant to this division or 6365
division (C)(2) of this section that an offender is a habitual sex 6366
offender, the determination is permanent and continues in effect 6367
until the offender's death, and in no case shall the determination 6368
be removed or terminated. 6369

If a court in another state, a federal court, military court, 6370
or Indian tribal court, or a court in any nation other than the 6371
United States determines a person to be a habitual sex offender in 6372
that jurisdiction, the person is considered to be determined to be 6373
a habitual sex offender in this state. If the court in the other 6374
state, the federal court, military court, or Indian tribal court, 6375
or the court in the nation other than the United States subjects 6376
the habitual sex offender to community notification regarding the 6377
person's place of residence, the person, as much as is 6378
practicable, is subject to the community notification provisions 6379
regarding the person's place of residence that are contained in 6380
sections 2950.10 and 2950.11 of the Revised Code, unless the court 6381
that so subjected the person to community notification determines 6382
that the person no longer is subject to community notification. 6383

(F)(1) An offender or delinquent child classified as a sexual 6384
predator may petition the court of common pleas or, for a 6385
delinquent child, the juvenile court of the county in which the 6386
offender or delinquent child resides or temporarily is domiciled 6387
to enter a determination that the offender or delinquent child is 6388
not an adjudicated sexual predator in this state for purposes of 6389
the ~~sex offender~~ registration and other requirements of this 6390

chapter or the community notification provisions contained in 6391
sections 2950.10 and 2950.11 of the Revised Code if all of the 6392
following apply: 6393

(a) The offender or delinquent child was convicted of, 6394
pleaded guilty to, or was adjudicated a delinquent child for 6395
committing, a sexually oriented offense that is not a 6396
registration-exempt sexually oriented offense in another state ~~or,~~ 6397
in a federal court, a military court, or ~~an~~ Indian tribal court, 6398
or in a court of any nation other than the United States. 6399

(b) As a result of the conviction, plea of guilty, or 6400
adjudication described in division (F)(1)(a) of this section, the 6401
offender or delinquent child is required under the law of the 6402
jurisdiction under which the offender or delinquent child was 6403
convicted, pleaded guilty, or was adjudicated to register as a sex 6404
offender until the offender's or delinquent child's death ~~and is~~ 6405
~~required to verify the offender's or delinquent child's address on~~ 6406
~~at least a quarterly basis each year.~~ 6407

(c) The offender or delinquent child was automatically 6408
classified ~~as~~ a sexual predator under division (A) of this section 6409
in relation to the conviction, guilty plea, or adjudication 6410
described in division (F)(1)(a) of this section. 6411

(2) The court may enter a determination that the offender or 6412
delinquent child filing the petition described in division (F)(1) 6413
of this section is not an adjudicated sexual predator in this 6414
state for purposes of the ~~sex-offender~~ registration and other 6415
requirements of this chapter or the community notification 6416
provisions contained in sections 2950.10 and 2950.11 of the 6417
Revised Code only if the offender or delinquent child proves by 6418
clear and convincing evidence that the requirement of the other 6419
jurisdiction that the offender or delinquent child register as a 6420
sex offender until the offender's or delinquent child's death ~~and~~ 6421
~~the requirement that the offender or delinquent child verify the~~ 6422

~~offender's or delinquent child's address on at least a quarterly basis each year is not substantially similar to a classification as a sexual predator for purposes of this chapter. If the court enters a determination that the offender or delinquent child is not an adjudicated sexual predator in this state for those purposes, the court shall include in the determination a statement of the reason or reasons why it so determined.~~

(G) If, prior to the effective date of this section, an offender or delinquent child was adjudicated a sexual predator or was determined to be a habitual sex offender under this section or section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and if, on and after the effective date of this amendment, the sexually oriented offense upon which the classification or determination was based no longer is considered a sexually oriented offense but instead is a child-victim oriented offense, notwithstanding the redesignation of that offense, on and after the effective date of this amendment, all of the following apply:

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 2950.091 of the Revised Code apply regarding the offender or child, and the judge's classification or determination made prior to the effective date of this amendment shall be considered for all purposes to be a classification or determination that classifies the offender or child as described in those divisions.

(2) The offender's or child's classification or determination under divisions (A)(1) or (2) or (E)(1) and (2) of section 2950.091 of the Revised Code shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the classification or determination made prior to the effective date of this amendment.

(3) The offender's or child's duties under this chapter relative to that classification or determination shall be considered for all purposes to be a continuation of the duties

related to that classification or determination as they existed 6455
prior to the effective date of this amendment. 6456

Sec. 2950.091. (A)(1) If, prior to the effective date of this 6457
section, a person was convicted of, pleaded guilty to, or was 6458
adjudicated a delinquent child for committing, a sexually oriented 6459
offense, if, prior to the effective date of this section, the 6460
offender or delinquent child was classified a sexual predator in 6461
relation to that offense pursuant to division (A) of section 6462
2950.09 of the Revised Code, and if, on and after the effective 6463
date of this section, the sexually oriented offense upon which the 6464
classification was based no longer is considered a sexually 6465
oriented offense but instead is a child-victim oriented offense, 6466
notwithstanding the redesignation of the offense, the 6467
classification of the offender or child as a sexual predator 6468
remains valid and in effect on and after the effective date of 6469
this section. 6470

(2) If, prior to the effective date of this section, a person 6471
was convicted of, pleaded guilty to, or was adjudicated a 6472
delinquent child for committing a sexually oriented offense, if, 6473
prior to the effective date of this section, the offender or 6474
delinquent child was adjudicated a sexual predator in relation to 6475
that offense under section 2950.09 or section 2152.82, 2152.83, 6476
2152.84, or 2152.85 of the Revised Code, if, on and after the 6477
effective date of this section, the sexually oriented offense upon 6478
which the adjudication was based no longer is considered a 6479
sexually oriented offense but instead is a child-victim oriented 6480
offense, and if division (A)(1) of this section does not apply, 6481
notwithstanding the redesignation of the offense, on and after the 6482
effective date of this section, the offender or delinquent child 6483
automatically is classified a child-victim predator. If a person 6484
is convicted, pleads guilty, or adjudicated a delinquent child in 6485
a court of another state, in a federal court, military court, or 6486

Indian tribal court, or in a court of any nation other than the 6487
United States for committing a child-victim oriented offense, and 6488
if, as a result of that conviction, plea of guilty, or 6489
adjudication, the person is required under the law of the 6490
jurisdiction in which the person was convicted, pleaded guilty, or 6491
adjudicated to register as a child-victim offender or sex offender 6492
until the person's death, that conviction, plea of guilty, or 6493
adjudication automatically classifies the person a child-victim 6494
predator for the purposes of this chapter, but the person may 6495
challenge that classification pursuant to division (F) of this 6496
section. 6497

(3) In all cases not described in division (A)(1) or (2) of 6498
this section, a person who is convicted of or pleads guilty to, 6499
has been convicted of or pleaded guilty to, or is adjudicated a 6500
delinquent child for committing a child-victim oriented offense 6501
may be classified a child-victim predator for purposes of this 6502
chapter only in accordance with division (B) or (C) of this 6503
section or, regarding delinquent children, divisions (B) and (C) 6504
of section 2152.83 of the Revised Code. 6505

(B)(1)(a) Regardless of when the offense was committed, the 6506
judge who is to impose sentence on or after the effective date of 6507
this section on an offender who has been convicted of or pleaded 6508
guilty to a child-victim oriented offense shall conduct a hearing 6509
to determine whether the offender is a child-victim predator. 6510

(b) The judge who is to impose or has imposed an order of 6511
disposition upon a child who is adjudicated a delinquent child for 6512
committing on or after the effective date of this section a 6513
child-victim oriented offense shall conduct a hearing as provided 6514
in this division to determine whether the child is to be 6515
classified as a child-victim predator if either of the following 6516
applies: 6517

(i) The judge is required by section 2152.82 or division (A) 6518

of section 2152.83 of the Revised Code to classify the child a 6519
juvenile offender registrant. 6520

(ii) Division (B) of section 2152.83 of the Revised Code 6521
applies regarding the child, the judge conducts a hearing under 6522
that division for the purposes described in that division, and the 6523
judge determines at that hearing that the child will be classified 6524
a juvenile offender registrant. 6525

(2) Regarding an offender, the judge shall conduct the 6526
hearing required by division (B)(1)(a) of this section prior to 6527
sentencing and, if the child-victim oriented offense is a felony 6528
and if the hearing is being conducted under division (B)(1)(a) of 6529
this section, the judge may conduct it as part of the sentencing 6530
hearing required by section 2929.19 of the Revised Code. Regarding 6531
a delinquent child, the judge may conduct the hearing required by 6532
division (B)(1)(b) of this section at the same time as, or 6533
separate from, the dispositional hearing, as specified in the 6534
applicable provision of section 2152.82 or 2152.83 of the Revised 6535
Code. The court shall give the offender or delinquent child and 6536
the prosecutor who prosecuted the offender or handled the case 6537
against the delinquent child for the child-victim oriented offense 6538
notice of the date, time, and location of the hearing. At the 6539
hearing, the offender or delinquent child and the prosecutor have 6540
the same opportunities and rights as described in division (B)(2) 6541
of section 2950.09 of the Revised Code regarding sexual predator 6542
hearings. 6543

(3) In making a determination under divisions (B)(1) and (4) 6544
of this section as to whether an offender or delinquent child is a 6545
child-victim predator, the judge shall consider all relevant 6546
factors, including, but not limited to, all of the factors 6547
identified in division (B)(3) of section 2950.09 of the Revised 6548
Code regarding sexual predator hearings, except that all 6549
references in the factors so identified in that division to any 6550

"sexual offense" or "sexually oriented offense" shall be construed 6551
for purposes of this division as being references to a 6552
"child-victim oriented offense" and all references in the factors 6553
so identified to "sexual offenders" shall be construed for 6554
purposes of this division as being references to "child-victim 6555
offenders." 6556

(4) After reviewing all testimony and evidence presented at 6557
the hearing conducted under division (B)(1) of this section and 6558
the factors specified in division (B)(3) of this section, the 6559
court shall determine by clear and convincing evidence whether the 6560
subject offender or delinquent child is a child-victim predator. 6561
If the court determines that the subject offender or delinquent 6562
child is not a child-victim predator, the court shall specify in 6563
the offender's sentence and the judgment of conviction that 6564
contains the sentence or in the delinquent child's dispositional 6565
order, as appropriate, that the court has determined that the 6566
offender or delinquent child is not a child-victim predator and 6567
the reason or reasons why the court determined that the subject 6568
offender or delinquent child is not a child-victim predator. If 6569
the court determines by clear and convincing evidence that the 6570
subject offender or delinquent child is a child-victim predator, 6571
the court shall specify in the offender's sentence and the 6572
judgment of conviction that contains the sentence or in the 6573
delinquent child's dispositional order, as appropriate, that the 6574
court has determined that the offender or delinquent child is a 6575
child-victim predator and shall specify that the determination was 6576
pursuant to division (B) of this section. The offender or 6577
delinquent child and the prosecutor who prosecuted the offender or 6578
handled the case against the delinquent child for the child-victim 6579
oriented offense in question may appeal as a matter of right the 6580
court's determination under this division as to whether the 6581
offender or delinquent child is, or is not, a child-victim 6582
predator. 6583

(C)(1) If, prior to the effective date of this section, a 6584
person was convicted of or pleaded guilty to a sexually oriented 6585
offense, if, on and after the effective date of this section, the 6586
sexually oriented offense no longer is considered a sexually 6587
oriented offense but instead is a child-victim oriented offense, 6588
if the person was not sentenced for the offense on or after 6589
January 1, 1997, and if, on or after the effective date of this 6590
section, the offender is serving a term of imprisonment in a state 6591
correctional institution, the department of rehabilitation and 6592
correction shall determine whether to recommend that the offender 6593
be adjudicated a child-victim predator. In making a determination 6594
under this division as to whether to recommend that the offender 6595
be adjudicated a child-victim predator, the department shall 6596
consider all relevant factors, including, but not limited to, all 6597
of the factors specified in divisions (B)(2) and (3) of this 6598
section. If the department determines that it will recommend that 6599
the offender be adjudicated a child-victim predator or determines 6600
that it will not recommend that the offender be adjudicated a 6601
child-victim predator, it immediately shall send its 6602
recommendation or determination to the court that sentenced the 6603
offender. In all cases, the department shall enter its 6604
determination and recommendation in the offender's institutional 6605
record, and the court shall proceed in accordance with division 6606
(C)(2) of this section. 6607

(2)(a) If, pursuant to division (C)(1) of this section, the 6608
department of rehabilitation and correction sends to a court a 6609
recommendation that an offender be adjudicated a child-victim 6610
predator, the court is not bound by the department's 6611
recommendation, and the court shall conduct a hearing to determine 6612
whether the offender is a child-victim predator. In any case, the 6613
court shall not make a determination that the offender is, or is 6614
not, a child-victim predator without a hearing. The court may hold 6615

the hearing and make the determination prior to the offender's 6616
release from imprisonment or at any time within one year following 6617
the offender's release from that imprisonment. 6618

(b) If, pursuant to division (C)(1) of this section, the 6619
department sends to the court a determination that it is not 6620
recommending that an offender be adjudicated a child-victim 6621
predator, the court shall not make any determination as to whether 6622
the offender is, or is not, a child-victim predator but shall 6623
determine whether the offender previously has been convicted of or 6624
pleaded guilty to a child-victim oriented offense other than the 6625
offense in relation to which the department made its 6626
determination. 6627

The court may conduct a hearing to determine whether the 6628
offender previously has been convicted of or pleaded guilty to a 6629
child-victim oriented offense but may make the determination 6630
without a hearing. However, if the court determines that the 6631
offender previously has been convicted of or pleaded guilty to an 6632
offense of that nature, it shall not impose a requirement that the 6633
offender be subject to the community notification provisions 6634
contained in sections 2950.10 and 2950.11 of the Revised Code 6635
without a hearing. The court shall include in the offender's 6636
institutional record any determination made under this division as 6637
to whether the offender previously has been convicted of or 6638
pleaded guilty to a child-victim oriented offense and whether the 6639
offender is a habitual child-victim offender. 6640

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 6641
of this section, the court shall give the offender and the 6642
prosecutor who prosecuted the offender for the child-victim 6643
oriented offense, or that prosecutor's successor in office, notice 6644
of the date, time, and place of the hearing. If the hearing is 6645
scheduled under division (C)(2)(a) of this section to determine 6646
whether the offender is a child-victim predator, it shall be 6647

conducted in the manner described in division (B)(1) of this 6648
section regarding hearings conducted under that division, and, in 6649
making a determination under this division as to whether the 6650
offender is a child-victim predator, the court shall consider all 6651
relevant factors, including, but not limited to, all of the 6652
factors specified in divisions (B)(2) and (3) of this section. 6653
After reviewing all testimony and evidence presented at the 6654
child-victim predator hearing and the factors specified in 6655
divisions (B)(2) and (3) of this section, the court shall 6656
determine by clear and convincing evidence whether the offender is 6657
a child-victim predator. If the court determines at the 6658
child-victim predator hearing that the offender is not a 6659
child-victim predator, it also shall determine whether the 6660
offender previously has been convicted of or pleaded guilty to a 6661
child-victim oriented offense other than the offense in relation 6662
to which the hearing is being conducted. 6663

Upon making its determinations at the child-victim predator 6664
hearing, the court shall proceed as follows: 6665

(i) If the court determines that the offender is not a 6666
child-victim predator and that the offender previously has not 6667
been convicted of or pleaded guilty to a child-victim oriented 6668
offense other than the offense in relation to which the hearing is 6669
being conducted, it shall include in the offender's institutional 6670
record its determinations and the reason or reasons why it 6671
determined that the offender is not a child-victim predator. 6672

(ii) If the court determines that the offender is not a 6673
child-victim predator but that the offender previously has been 6674
convicted of or pleaded guilty to a child-victim oriented offense 6675
other than the offense in relation to which the hearing is being 6676
conducted, it shall include in the offender's institutional record 6677
its determination that the offender is not a child-victim predator 6678
but is a habitual child-victim offender and the reason or reasons 6679

why it determined that the offender is not a child-victim 6680
predator, shall attach the determinations and the reason or 6681
reasons to the offender's sentence, shall specify that the 6682
determinations were made pursuant to division (C) of this section, 6683
shall provide a copy of the determinations and the reason or 6684
reasons to the offender, to the prosecuting attorney, and to the 6685
department of rehabilitation and correction, and may impose a 6686
requirement that the offender be subject to the community 6687
notification provisions contained in sections 2950.10 and 2950.11 6688
of the Revised Code. The offender shall not be subject to those 6689
community notification provisions relative to the child-victim 6690
oriented offense in question if the court does not so impose the 6691
requirement described in this division. If the court imposes that 6692
requirement, the offender may appeal the judge's determination 6693
that the offender is a habitual child-victim offender. 6694

(iii) If the court determines by clear and convincing 6695
evidence that the offender is a child-victim predator, it shall 6696
enter its determination in the offender's institutional record, 6697
shall attach the determination to the offender's sentence, shall 6698
specify that the determination was made pursuant to division (C) 6699
of this section, and shall provide a copy of the determination to 6700
the offender, to the prosecuting attorney, and to the department 6701
of rehabilitation and correction. The offender and the prosecutor 6702
may appeal as a matter of right the judge's determination under 6703
this division as to whether the offender is, or is not, a 6704
child-victim predator. 6705

If the hearing is scheduled under division (C)(2)(b) of this 6706
section to determine whether the offender previously has been 6707
convicted of or pleaded guilty to a child-victim oriented offense 6708
or whether to subject the offender to the community notification 6709
provisions contained in sections 2950.10 and 2950.11 of the 6710
Revised Code, upon making the determination, the court shall 6711

attach the determination or determinations to the offender's 6712
sentence, shall provide a copy to the offender, to the prosecuting 6713
attorney, and to the department of rehabilitation and correction 6714
and may impose a requirement that the offender be subject to the 6715
community notification provisions. The offender shall not be 6716
subject to the community notification provisions relative to the 6717
child-victim oriented offense in question if the court does not so 6718
impose the requirement described in this division. If the court 6719
imposes that requirement, the offender may appeal the judge's 6720
determination that the offender is a habitual child-victim 6721
offender. 6722

(3) Divisions (C)(1) and (2) of this section do not require a 6723
court to conduct a new hearing under those divisions for any 6724
offender regarding a child-victim oriented offense if, prior to 6725
the effective date of this section, the court previously conducted 6726
a hearing under divisions (C)(1) and (2) of section 2950.09 of the 6727
Revised Code regarding that offense, while it formerly was 6728
classified a sexually oriented offense, to determine whether the 6729
offender was a sexual predator. Divisions (C)(1) and (2) of this 6730
section do not require a court to conduct a hearing under those 6731
divisions for any offender regarding a child-victim oriented 6732
offense if, prior to the effective date of this section and 6733
pursuant to divisions (C)(1) and (2) of section 2950.09 of the 6734
Revised Code, the department of rehabilitation and correction 6735
recommended that the offender be adjudicated a sexual predator 6736
regarding that offense, while it formerly was classified a 6737
sexually oriented offense, and the court denied the recommendation 6738
and determined that the offender was not a sexual predator without 6739
a hearing, provided that this provision does not apply if the 6740
child-victim oriented offense in question was an offense described 6741
in division (D)(1)(c) of section 2950.01 of the Revised Code. 6742

(D)(1) Division (D) of this section does not apply to any 6743

person who has been convicted of or pleaded guilty to a 6744
child-victim oriented offense. Division (D) of this section 6745
applies only to delinquent children as provided in Chapter 2152. 6746
of the Revised Code. A person who has been adjudicated a 6747
delinquent child for committing a child-victim oriented offense 6748
and who has been classified by a juvenile court judge a juvenile 6749
offender registrant or, if applicable, additionally has been 6750
determined by a juvenile court judge to be a child-victim predator 6751
or habitual child-victim offender, may petition the adjudicating 6752
court for a reclassification or declassification pursuant to 6753
section 2152.85 of the Revised Code. 6754

A judge who is reviewing a child-victim predator 6755
determination for a delinquent child under section 2152.84 or 6756
2152.85 of the Revised Code shall comply with this section. At the 6757
hearing, the judge shall consider all relevant evidence and 6758
information, including, but not limited to, the factors set forth 6759
in division (B)(3) of this section. The judge shall not enter a 6760
determination that the delinquent child no longer is a 6761
child-victim predator unless the judge determines by clear and 6762
convincing evidence that the delinquent child is unlikely to 6763
commit a child-victim oriented offense in the future. If the judge 6764
enters a determination under this division that the delinquent 6765
child no longer is a child-victim predator, the judge shall notify 6766
the bureau of criminal identification and investigation of the 6767
determination and shall include in the notice a statement of the 6768
reason or reasons why it determined that the delinquent child no 6769
longer is a child-victim predator. Upon receipt of the 6770
notification, the bureau promptly shall notify the sheriff with 6771
whom the delinquent child most recently registered under section 6772
2950.04 or 2950.05 of the Revised Code of the determination that 6773
the offender no longer is a child-victim predator. 6774

(2) If an offender who has been convicted of or pleaded 6775

guilty to a child-victim oriented offense is classified a 6776
child-victim predator pursuant to division (A) of this section or 6777
has been adjudicated a child-victim predator relative to the 6778
offense as described in division (B) or (C) of this section, 6779
subject to division (F) of this section, the classification or 6780
adjudication of the offender as a child-victim predator is 6781
permanent and continues in effect until the offender's death, and 6782
in no case shall the classification or adjudication be removed or 6783
terminated. 6784

(E)(1) If, prior to the effective date of this section, a 6785
person was convicted of, pleaded guilty to, or adjudicated a 6786
delinquent child for committing a sexually oriented offense, if, 6787
on and after the effective date of this section, the sexually 6788
oriented offense no longer is considered a sexually oriented 6789
offense but instead is a child-victim oriented offense, if, prior 6790
to the effective date of this section, a judge determined that the 6791
offender or delinquent child was a habitual sex offender, and if 6792
one or more of the offenses that was the basis of the offender or 6793
delinquent child being a habitual sex offender remains on and 6794
after the effective date of this section a sexually oriented 6795
offense, notwithstanding the redesignation of the offense as 6796
described in this division, the determination and classification 6797
of that person as a habitual sex offender remains valid and in 6798
effect on and after the effective date of this section. 6799

(2) If, prior to the effective date of this section, a person 6800
was convicted of, pleaded guilty to, or adjudicated a delinquent 6801
child for committing a sexually oriented offense, if, on and after 6802
the effective date of this section, the sexually oriented offense 6803
no longer is considered a sexually oriented offense but instead is 6804
a child-victim oriented offense, if, prior to the effective date 6805
of this section, a judge determined that the offender or 6806
delinquent child was a habitual sex offender, and if none of the 6807

offenses that was the basis of the offender or delinquent child 6808
being a habitual sex offender remains on and after the effective 6809
date of this section a sexually oriented offense, on and after the 6810
effective date of this section, the offender or delinquent child 6811
automatically is classified a habitual child-victim offender. 6812

(3) If a person is convicted of or pleads guilty to 6813
committing a child-victim oriented offense and is to be sentenced 6814
for the offense on or after the effective date of this section, 6815
the judge who is to impose sentence on the offender shall 6816
determine, prior to sentencing, whether the offender previously 6817
has been convicted of or pleaded guilty to, or adjudicated a 6818
delinquent child for committing, a child-victim oriented offense 6819
and is a habitual child-victim offender. The judge who is to 6820
impose or has imposed an order of disposition on or after the 6821
effective date of this section upon a child who is adjudicated a 6822
delinquent child for committing a child-victim oriented offense 6823
shall determine, prior to entering the order classifying the 6824
delinquent child a juvenile child-victim offender registrant, 6825
whether the delinquent child previously has been convicted of or 6826
pleaded guilty to, or adjudicated a delinquent child for 6827
committing, a child-victim oriented offense and is a habitual 6828
child-victim offender, if either of the following applies: 6829

(a) The judge is required by section 2152.82 or division (A) 6830
of section 2152.83 of the Revised Code to classify the child a 6831
juvenile offender registrant. 6832

(b) Division (B) of section 2152.83 of the Revised Code 6833
applies regarding the child, the judge conducts a hearing under 6834
that division for the purposes described in that division, and the 6835
judge determines at that hearing that the child will be classified 6836
a juvenile offender registrant. 6837

(4) If, under division (E)(3) of this section, the judge 6838
determines that the offender or delinquent child previously has 6839

not been convicted of or pleaded guilty to, or been adjudicated a 6840
delinquent child for committing, a child-victim oriented offense 6841
or that the offender otherwise does not satisfy the criteria for 6842
being a habitual child-victim offender, the judge shall specify in 6843
the offender's sentence or in the order classifying the delinquent 6844
child a juvenile child-victim offender registrant that the judge 6845
has determined that the offender or delinquent child is not a 6846
habitual child-victim offender. If the judge determines that the 6847
offender or delinquent child previously has been convicted of or 6848
pleaded guilty to, or been adjudicated a delinquent child for 6849
committing, a child-victim oriented offense and that the offender 6850
satisfies all other criteria for being a habitual child-victim 6851
offender, the judge shall specify in the offender's sentence and 6852
the judgment of conviction that contains the sentence or in the 6853
order classifying the delinquent child a juvenile offender 6854
registrant that the judge has determined that the offender or 6855
delinquent child is a habitual child-victim offender and may 6856
impose a requirement in that sentence and judgment of conviction 6857
or in that order that the offender or delinquent child be subject 6858
to the community notification provisions contained in sections 6859
2950.10 and 2950.11 of the Revised Code. Unless the habitual 6860
child-victim offender also has been adjudicated a child-victim 6861
predator relative to the child-victim oriented offense in 6862
question, the offender or delinquent child shall be subject to 6863
those community notification provisions only if the court imposes 6864
the requirement described in this division in the offender's 6865
sentence and the judgment of conviction or in the order 6866
classifying the delinquent child a juvenile offender registrant. 6867
If the court determines pursuant to this division or division 6868
(C)(2) of this section that an offender is a habitual child-victim 6869
offender, the determination is permanent and continues in effect 6870
until the offender's death, and in no case shall the determination 6871
be removed or terminated. 6872

If a court in another state, a federal court, military court, or Indian tribal court, or a court in any nation other than the United States, determines a person is a habitual child-victim offender in that jurisdiction, the person is considered to be determined a habitual child-victim offender in this state. If the court in the other state, the federal court, military court, or Indian tribal court, or the court in any nation other than the United States subjects the habitual child-victim offender to community notification regarding the person's place of residence, the person, as much as is practicable, is subject to the community notification provisions regarding the person's place of residence that are contained in sections 2950.10 and 2950.11 of the Revised Code, unless the court that so subjected the person to community notification determines that the person no longer is subject to community notification.

(F)(1) An offender or delinquent child classified a child-victim predator may petition the court of common pleas or, for a delinquent child, the juvenile court of the county in which the offender or delinquent child resides or temporarily is domiciled to enter a determination that the offender or delinquent child is not an adjudicated child-victim predator in this state for purposes of the registration and other requirements of this chapter or the community notification provisions contained in sections 2950.10 and 2950.11 of the Revised Code if all of the following apply:

(a) The offender or delinquent child was convicted, pleaded guilty, or adjudicated a delinquent child in a court of another state, in a federal court, a military court, or Indian tribal court, or in a court of any nation other than the United States for committing a child-victim oriented offense.

(b) As a result of the conviction, plea of guilty, or adjudication described in division (F)(1)(a) of this section, the

offender or delinquent child is required under the law of the 6905
jurisdiction under which the offender or delinquent child was 6906
convicted, pleaded guilty, or was adjudicated to register as a 6907
child-victim offender until the offender's or delinquent child's 6908
death. 6909

(c) The offender or delinquent child was automatically 6910
classified a child-victim predator under division (A) of this 6911
section in relation to the conviction, guilty plea, or 6912
adjudication described in division (F)(1)(a) of this section. 6913

(2) The court may enter a determination that the offender or 6914
delinquent child filing the petition described in division (F)(1) 6915
of this section is not an adjudicated child-victim predator in 6916
this state for purposes of the registration and other requirements 6917
of this chapter or the community notification provisions contained 6918
in sections 2950.10 and 2950.11 of the Revised Code only if the 6919
offender or delinquent child proves by clear and convincing 6920
evidence that the requirement of the other jurisdiction that the 6921
offender or delinquent child register as a child-victim offender 6922
until the offender's or delinquent child's death is not 6923
substantially similar to a classification as a child-victim 6924
predator for purposes of this chapter. If the court enters a 6925
determination that the offender or delinquent child is not an 6926
adjudicated child-victim predator in this state for those 6927
purposes, the court shall include in the determination a statement 6928
of the reason or reasons why it so determined. 6929

Sec. 2950.10. (A)(1) If a person is convicted of or pleads 6930
guilty to, or has been convicted of or pleaded guilty to, either a 6931
sexually oriented offense that is not a registration-exempt 6932
sexually oriented offense or a child-victim oriented offense or a 6933
person is adjudicated a delinquent child for committing either a 6934
sexually oriented offense that is not a registration-exempt 6935

sexually oriented offense or a child-victim oriented offense and 6936
is classified a juvenile ~~sex~~ offender registrant or is an 6937
out-of-state juvenile ~~sex~~ offender registrant based on that 6938
adjudication, if the offender or delinquent child is in any 6939
category specified in division (B)(1)(a), (b), or (c) of this 6940
section, if the offender or delinquent child registers with a 6941
sheriff pursuant to section 2950.04, 2950.041, or 2950.05 of the 6942
Revised Code, and if the victim of the sexually oriented offense 6943
or child-victim oriented offense has made a request in accordance 6944
with rules adopted by the attorney general that specifies that the 6945
victim would like to be provided the notices described in this 6946
section, the sheriff shall notify the victim of the sexually 6947
oriented offense or child-victim oriented offense, in writing, 6948
that the offender or delinquent child has registered and shall 6949
include in the notice the offender's ~~or delinquent child's~~ name 6950
and ~~residence~~ the address or addresses of the offender's 6951
residence, school, institution of higher education, or place of 6952
employment, as applicable, or the delinquent child's name and 6953
residence address or addresses. The sheriff shall provide the 6954
notice required by this division to the victim at the most recent 6955
residence address available for that victim, not later than 6956
~~seventy-two hours~~ five days after the offender or delinquent child 6957
registers with the sheriff. 6958

(2) If a person is convicted of or pleads guilty to, or has 6959
been convicted of or pleaded guilty to, either a sexually oriented 6960
offense that is not a registration-exempt sexually oriented 6961
offense or a child-victim oriented offense or a person is 6962
adjudicated a delinquent child for committing either a sexually 6963
oriented offense that is not a registration-exempt sexually 6964
oriented offense or a child-victim oriented offense and is 6965
classified a juvenile ~~sex~~ offender registrant or is an 6966
out-of-state juvenile ~~sex~~ offender registrant based on that 6967
adjudication, if the offender or delinquent child is in any 6968

category specified in division (B)(1)(a), (b), or (c) of this 6969
section, if the offender or delinquent child registers with a 6970
sheriff pursuant to section 2950.04, 2950.041, or 2950.05 of the 6971
Revised Code, if the victim of the sexually oriented offense or 6972
child-victim oriented offense has made a request in accordance 6973
with rules adopted by the attorney general that specifies that the 6974
victim would like to be provided the notices described in this 6975
section, and if the offender ~~or delinquent child~~ notifies the 6976
sheriff of a change of residence, school, institution of higher 6977
education, or place of employment address or the delinquent child 6978
notifies the sheriff of a change of residence address pursuant to 6979
section 2950.05 of the Revised Code, the sheriff shall notify the 6980
victim of the sexually oriented offense or child-victim oriented 6981
offense, in writing, that the offender's or delinquent child's 6982
~~residence~~ address has changed and shall include in the notice the 6983
offender's ~~or delinquent child's~~ name and the new residence 6984
address or addresses of the offender's residence, school, 6985
institution of higher education, or place of employment, as 6986
applicable, or the delinquent child's name and new residence 6987
address or addresses. The sheriff shall provide the notice 6988
required by this division to the victim at the most recent 6989
residence address available for that victim, no later than 6990
~~seventy two hours~~ five days after the offender or delinquent child 6991
notifies the sheriff of the change in the offender's or delinquent 6992
child's residence, school, institution of higher education, or 6993
place of employment address. 6994

(3) If a person is convicted of or pleads guilty to, or has 6995
been convicted of or pleaded guilty to, either a sexually oriented 6996
offense that is not a registration-exempt sexually oriented 6997
offense or a child-victim oriented offense or a person is 6998
adjudicated a delinquent child for committing either a sexually 6999
oriented offense that is not a registration-exempt sexually 7000
oriented offense or a child-victim oriented offense and is 7001

classified a juvenile ~~sex~~ offender registrant or is an 7002
out-of-state juvenile ~~sex~~ offender registrant based on that 7003
adjudication, and if the offender or delinquent child is 7004
~~adjudicated as being a sexual predator relative to the sexually~~ 7005
~~oriented offense or the offender or delinquent child is determined~~ 7006
~~pursuant to division (E) of section 2950.09, division (B) of~~ 7007
~~section 2152.83, section 2152.84, or section 2152.85 of the~~ 7008
~~Revised Code to be a habitual sex offender and is made subject to~~ 7009
in any category specified in division (B)(1)(a), (b), or (c) of 7010
this section, the victim of the offense may make a request in 7011
accordance with rules adopted by the attorney general pursuant to 7012
section 2950.13 of the Revised Code that specifies that the victim 7013
would like to be provided the notices described in divisions 7014
(A)(1) and (2) of this section. If the victim makes a request in 7015
accordance with those rules, the sheriff described in divisions 7016
(A)(1) and (2) of this section shall provide the victim with the 7017
notices described in those divisions. 7018

(4) If a victim makes a request as described in division 7019
(A)(3) of this section that specifies that the victim would like 7020
to be provided the notices described in divisions (A)(1) and (2) 7021
of this section, all information a sheriff obtains regarding the 7022
victim from or as a result of the request is confidential, and the 7023
information is not a public record open for inspection under 7024
section 149.43 of the Revised Code. 7025

(5) The notices described in divisions (A)(1) and (2) of this 7026
section are in addition to any notices regarding the offender or 7027
delinquent child that the victim is entitled to receive under 7028
Chapter 2930. of the Revised Code. 7029

(B)(1) The duties to provide the notices described in 7030
divisions (A)(1) and (2) of this section apply regarding any 7031
offender or delinquent child who is in any of the following 7032
categories, if the other criteria set forth in division (A)(1) or 7033

(2) of this section, whichever is applicable, are satisfied: 7034

(a) The offender or delinquent child has been adjudicated a 7035
sexual predator relative to the sexually oriented offense for 7036
which the offender or delinquent child has the duty to register 7037
under section 2950.04 of the Revised Code or has been adjudicated 7038
a child-victim predator relative to the child-victim oriented 7039
offense for which the offender or child has the duty to register 7040
under section 2950.041 of the Revised Code, and the court has not 7041
subsequently determined pursuant to ~~division (D) of section~~ 7042
~~2950.09~~, section 2152.84~~7~~, or ~~section~~ 2152.85 of the Revised Code 7043
regarding a delinquent child that the ~~offender or~~ delinquent child 7044
no longer is a sexual predator or no longer is a child-victim 7045
predator, whichever is applicable. 7046

(b) The offender or delinquent child has been determined 7047
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 7048
division (B) of section 2152.83, section 2152.84, or section 7049
2152.85 of the Revised Code to be a habitual sex offender or a 7050
habitual child-victim offender, the court has imposed a 7051
requirement under that division or section subjecting the habitual 7052
sex offender or habitual child-victim offender to this section, 7053
and the determination has not been removed pursuant to section 7054
2152.84 or 2152.85 of the Revised Code regarding a delinquent 7055
child. 7056

(c) The sexually oriented offense for which the offender has 7057
the duty to register under section 2950.04 of the Revised Code is 7058
an aggravated sexually oriented offense ~~committed on or after the~~ 7059
~~effective date of this amendment~~, regardless of whether the 7060
offender has been adjudicated a sexual predator relative to the 7061
offense or has been determined to be a habitual sex offender and, 7062
if the offender has been so ~~adjudicated or~~ determined to be a 7063
habitual sex offender, regardless of whether the ~~court has~~ 7064
~~subsequently determined that the offender no longer is a sexual~~ 7065

~~predator or whether the habitual sex offender determination has~~ 7066
not been removed as described in division (A)(1)~~(a) or~~ (b) of this 7067
section. 7068

(2) A victim of a sexually oriented offense that is not a 7069
registration-exempt sexually oriented offense or of a child-victim 7070
oriented offense is not entitled to be provided any notice 7071
described in division (A)(1) or (2) of this section unless the 7072
offender or delinquent child is in a category specified in 7073
division (B)(1)(a), (b), or (c) of this section. A victim of a 7074
sexually oriented offense that is not a registration-exempt 7075
sexually oriented offense or of a child-victim oriented offense is 7076
not entitled to any notice described in division (A)(1) or (2) of 7077
this section unless the victim makes a request in accordance with 7078
rules adopted by the attorney general pursuant to section 2950.13 7079
of the Revised Code that specifies that the victim would like to 7080
be provided the notices described in divisions (A)(1) and (2) of 7081
this section. This division does not affect any rights of a victim 7082
of a sexually oriented offense or child-victim oriented offense to 7083
be provided notice regarding an offender or delinquent child that 7084
are described in Chapter 2930. of the Revised Code. 7085

Sec. 2950.11. (A) As used in this section, "specified 7086
geographical notification area" means the geographic area or areas 7087
within which the attorney general, by rule adopted under section 7088
2950.13 of the Revised Code, requires the notice described in 7089
division (B) of this section to be given to the persons identified 7090
in divisions (A)(2) to (8) of this section. If a person is 7091
convicted of or pleads guilty to, or has been convicted of or 7092
pleaded guilty to, either a sexually oriented offense that is not 7093
a registration-exempt sexually oriented offense or a child-victim 7094
oriented offense, or a person is adjudicated a delinquent child 7095
for committing either a sexually oriented offense that is not a 7096
registration-exempt sexually oriented offense or a child-victim 7097

oriented offense and is classified a juvenile ~~sex~~ offender 7098
registrant or is an out-of-state juvenile ~~sex~~ offender registrant 7099
based on that adjudication, and if the offender or delinquent 7100
child is in any category specified in division (F)(1)(a), (b), or 7101
(c) of this section, the sheriff with whom the offender or 7102
delinquent child has most recently registered under section 7103
2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff 7104
to whom the offender or delinquent child most recently sent a 7105
notice of intent to reside under section 2950.04 or 2950.041 of 7106
the Revised Code, within the period of time specified in division 7107
(C) of this section, shall provide a written notice containing the 7108
information set forth in division (B) of this section to all of 7109
the ~~following~~ persons described in divisions (A)(1) to (9) of this 7110
section. If the sheriff has sent a notice to the persons described 7111
in those divisions as a result of receiving a notice of intent to 7112
reside and if the offender or delinquent child registers a 7113
residence address that is the same residence address described in 7114
the notice of intent to reside, the sheriff is not required to 7115
send an additional notice when the offender or delinquent child 7116
registers. The sheriff shall provide the notice to all of the 7117
following persons: 7118

(1) ~~All occupants of residences~~ (a) Any occupant of each 7119
residential unit that is located within one thousand feet of the 7120
offender's or delinquent child's ~~place of residence~~ residential 7121
premises, that are is located within the county served by the 7122
sheriff, and ~~all~~ that is not located in a multi-unit building. 7123
Division (D)(3) of this section applies regarding notices required 7124
under this division. 7125

(b) If the offender or delinquent child resides in a 7126
multi-unit building, any occupant of each residential unit that is 7127
located in that multi-unit building and that shares a common 7128
hallway with the offender or delinquent child. For purposes of 7129

this division, an occupant's unit shares a common hallway with the 7130
offender or delinquent child if the entrance door into the 7131
occupant's unit is located on the same floor and opens into the 7132
same hallway as the entrance door to the unit the offender or 7133
delinquent child occupies. Division (D)(3) of this section applies 7134
regarding notices required under this division. 7135

(c) The building manager, or the person the building owner or 7136
condominium unit owners association authorizes to exercise 7137
management and control, of each multi-unit building that is 7138
located within one thousand feet of the offender's or delinquent 7139
child's residential premises, including a multi-unit building in 7140
which the offender or delinquent child resides, and that is 7141
located within the county served by the sheriff. In addition to 7142
notifying the building manager or the person authorized to 7143
exercise management and control in the multi-unit building under 7144
this division, the sheriff shall post a copy of the notice 7145
prominently in each common entryway in the building and any other 7146
location in the building the sheriff determines appropriate. The 7147
manager or person exercising management and control of the 7148
building shall permit the sheriff to post copies of the notice 7149
under this division as the sheriff determines appropriate. In lieu 7150
of posting copies of the notice as described in this division, a 7151
sheriff may provide notice to all occupants of the multi-unit 7152
building by mail or personal contact; if the sheriff so notifies 7153
all the occupants, the sheriff is not required to post copies of 7154
the notice in the common entryways to the building. Division 7155
(D)(3) of this section applies regarding notices required under 7156
this division. 7157

(d) All additional neighbors of the offender or delinquent 7158
child persons who are within any category of neighbors of the 7159
offender or delinquent child that the attorney general by rule 7160
adopted under section 2950.13 of the Revised Code requires to be 7161

provided the notice and who reside within the county served by the sheriff; 7162
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(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff; 7164
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(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff; 7168
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(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends; 7172
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(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends. 7175
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(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 7181
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(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends. 7188
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7190

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. 7191
7192

of the Revised Code that is located within the specified 7193
geographical notification area and within the county served by the 7194
sheriff; 7195

(6) The administrator of each child day-care center or type A 7196
family day-care home that is located within the specified 7197
geographical notification area and within the county served by the 7198
sheriff, and the provider of each certified type B family day-care 7199
home that is located within the specified geographical 7200
notification area and within the county served by the sheriff. As 7201
used in this division, "child day-care center," "type A family 7202
day-care home," and "certified type B family day-care home" have 7203
the same meanings as in section 5104.01 of the Revised Code. 7204

(7) The president or other chief administrative officer of 7205
each institution of higher education, as defined in section 7206
2907.03 of the Revised Code, that is located within the specified 7207
geographical notification area and within the county served by the 7208
sheriff, and the chief law enforcement officer of the state 7209
university law enforcement agency or campus police department 7210
established under section 3345.04 or 1713.50 of the Revised Code, 7211
if any, that serves that institution; 7212

(8) The sheriff of each county that includes any portion of 7213
the specified geographical notification area; 7214

(9) If the offender or delinquent child resides within the 7215
county served by the sheriff, the chief of police, marshal, or 7216
other chief law enforcement officer of the municipal corporation 7217
in which the offender or delinquent child resides or, if the 7218
offender or delinquent child resides in an unincorporated area, 7219
the constable or chief of the police department or police district 7220
police force of the township in which the offender or delinquent 7221
child resides. 7222

(B) The notice required under division (A) of this section 7223

shall include all of the following information regarding the 7224
subject offender or delinquent child: 7225

(1) The offender's or delinquent child's name; 7226

(2) The address or addresses ~~at which the offender or~~ 7227
~~delinquent child resides~~ of the offender's residence, school, 7228
institution of higher education, or place of employment, as 7229
applicable, or the delinquent child's residence address or 7230
addresses; 7231

(3) The sexually oriented offense or child-victim oriented 7232
offense of which the offender was convicted, to which the offender 7233
pleaded guilty, or for which the child was adjudicated a 7234
delinquent child; 7235

(4) All of the following statements that are applicable: 7236

(a) A statement that the offender ~~or delinquent child~~ has 7237
been adjudicated ~~as being~~ a sexual predator, a statement that the 7238
offender has been convicted of or pleaded guilty to an aggravated 7239
sexually oriented offense, a statement that the delinquent child 7240
has been adjudicated a sexual predator and that, as of the date of 7241
the notice, the court has not entered a determination that the 7242
~~offender or~~ delinquent child no longer is a sexual predator, or a 7243
statement that the sentencing or reviewing judge has determined 7244
that the offender or delinquent child is a habitual sex offender 7245
and that, as of the date of the notice, the determination 7246
regarding a delinquent child has not been removed pursuant to 7247
section 2152.84 or 2152.85 of the Revised Code; 7248

(b) A statement that the offender has been adjudicated a 7249
child-victim predator, a statement that the delinquent child has 7250
been adjudicated a child-victim predator and that, as of the date 7251
of the notice, the court has not entered a determination that the 7252
delinquent child no longer is a child-victim predator, or a 7253
statement that the sentencing or reviewing judge has determined 7254

that the offender or delinquent child is a habitual child-victim 7255
offender and that, as of the date of the notice, the determination 7256
regarding a delinquent child has not been removed pursuant to 7257
section 2152.84 or 2152.85 of the Revised Code. 7258

(C) If a sheriff with whom an offender or delinquent child 7259
registers under section 2950.04, 2950.041, or 2950.05 of the 7260
Revised Code or to whom the offender or delinquent child most 7261
recently sent a notice of intent to reside under section 2950.04 7262
or 2950.041 of the Revised Code is required by division (A) of 7263
this section to provide notices regarding an offender or 7264
delinquent child and if, pursuant to that requirement, the sheriff 7265
provides a notice to a sheriff of one or more other counties in 7266
accordance with division (A)(8) of this section, the sheriff of 7267
each of the other counties who is provided notice under division 7268
(A)(8) of this section shall provide the notices described in 7269
divisions (A)(1) to (7) and (A)(9) of this section to each person 7270
or entity identified within those divisions that is located within 7271
the geographical notification area and within the county served by 7272
the sheriff in question. 7273

(D)(1) A sheriff required by division (A) or (C) of this 7274
section to provide notices regarding an offender or delinquent 7275
child shall provide the notice to the neighbors that are described 7276
in division (A)(1) of this section and the notices to law 7277
enforcement personnel that are described in divisions (A)(8) and 7278
(9) of this section as soon as practicable, but no later than 7279
~~seventy-two hours~~ five days after the offender sends the notice of 7280
intent to reside to the sheriff and again no later than 7281
~~seventy-two hours~~ five days after the offender or delinquent child 7282
registers with the sheriff or, if the sheriff is required by 7283
division (C) to provide the notices, no later than ~~seventy-two~~ 7284
~~hours~~ five days after the sheriff is provided the notice described 7285
in division (A)(8) of this section. 7286

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) to provide the notices, no later than ~~seventy two hours~~ five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (9) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 7319
occupants of a multi-unit building by mail or personal contact, 7320
the provision of one written notice per unit is deemed as 7321
providing notice to all occupants of that unit. 7322

(E) All information that a sheriff possesses regarding a 7323
sexual predator ~~or~~, a habitual sex offender, a child-victim 7324
predator, or a habitual child-victim offender that is described in 7325
division (B) of this section and that must be provided in a notice 7326
required under division (A) or (C) of this section or that may be 7327
provided in a notice authorized under division (D)(2) of this 7328
section is a public record that is open to inspection under 7329
section 149.43 of the Revised Code. 7330

~~If the sexual predator or habitual sex offender is a juvenile~~ 7331
~~sex offender registrant, the~~ The sheriff shall not cause ~~any of~~ 7332
~~the information described in this division~~ to be publicly 7333
disseminated by means of the internet any of the information 7334
described in this division that is provided by a sexual predator, 7335
habitual sex offender, child-victim predator, or habitual 7336
child-victim offender who is a juvenile offender registrant, 7337
except when the act that is the basis of a the child's 7338
classification as a juvenile ~~sex~~ offender registrant is a 7339
violation of, or an attempt to commit a violation of, section 7340
2903.01, 2903.02, or 2905.01 of the Revised Code that was 7341
committed with a purpose to gratify the sexual needs or desires of 7342
the child, a violation of section 2907.02 of the Revised Code, or 7343
an attempt to commit a violation of that section. 7344

(F)(1) The duties to provide the notices described in 7345
divisions (A) and (C) of this section apply regarding any offender 7346
or delinquent child who is in any of the following categories, if 7347
the other criteria set forth in division (A) or (C) of this 7348
section, whichever is applicable, are satisfied: 7349

(a) The offender or delinquent child has been adjudicated a 7350

sexual predator relative to the sexually oriented offense for 7351
which the offender or delinquent child has the duty to register 7352
under section 2950.04 of the Revised Code or has been adjudicated 7353
a child-victim predator relative to the child-victim oriented 7354
offense for which the offender or child has the duty to register 7355
under section 2950.041 of the Revised Code, and the court has not 7356
subsequently determined pursuant to ~~division (D) of section~~ 7357
~~2950.09~~, section 2152.84~~7~~, or ~~section~~ 2152.85 of the Revised Code 7358
regarding a delinquent child that the ~~offender or~~ delinquent child 7359
no longer is a sexual predator or no longer is a child-victim 7360
predator, whichever is applicable. 7361

(b) The offender or delinquent child has been determined 7362
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 7363
division (B) of section 2152.83, section 2152.84, or section 7364
2152.85 of the Revised Code to be a habitual sex offender or a 7365
habitual child-victim offender, the court has imposed a 7366
requirement under that division or section subjecting the habitual 7367
sex offender or habitual child-victim offender to this section, 7368
and the determination has not been removed pursuant to section 7369
2152.84 or 2152.85 of the Revised Code regarding a delinquent 7370
child. 7371

(c) The sexually oriented offense for which the offender has 7372
the duty to register under section 2950.04 of the Revised Code is 7373
an aggravated sexually oriented offense ~~committed on or after the~~ 7374
~~effective date of this amendment~~, regardless of whether the 7375
offender has been adjudicated a sexual predator relative to the 7376
offense or has been determined to be a habitual sex offender ~~and,~~ 7377
~~if the offender has been so adjudicated or determined, regardless~~ 7378
~~of whether the court has subsequently determined that the offender~~ 7379
~~no longer is a sexual predator or whether the habitual sex~~ 7380
~~offender determination has not been removed as described in~~ 7381
~~division (F)(1)(a) or (b) of this section.~~ 7382

(2) The notification provisions of this section do not apply 7383
regarding a person who is convicted of or pleads guilty to, has 7384
been convicted of or pleaded guilty to, or is adjudicated a 7385
delinquent child for committing, a sexually oriented offense or a 7386
child-victim oriented offense, who is not in the category 7387
specified in either division (F)(1)(a) or (c) of this section, and 7388
who is determined pursuant to division (C)(2) or (E) of section 7389
2950.09 or 2950.091, division (B) of section 2152.83, section 7390
2152.84, or section 2152.85 of the Revised Code to be a habitual 7391
sex offender or habitual child-victim offender unless the 7392
sentencing or reviewing court imposes a requirement in the 7393
offender's sentence and in the judgment of conviction that 7394
contains the sentence or in the delinquent child's adjudication, 7395
or imposes a requirement as described in division (C)(2) of 7396
section 2950.09 or 2950.091 of the Revised Code, that subjects the 7397
offender or the delinquent child to the provisions of this 7398
section. 7399

(G) The department of job and family services shall compile, 7400
maintain, and update in January and July of each year, a list of 7401
all agencies, centers, or homes of a type described in division 7402
(A)(2) or (6) of this section that contains the name of each 7403
agency, center, or home of that type, the county in which it is 7404
located, its address and telephone number, and the name of an 7405
administrative officer or employee of the agency, center, or home. 7406
The department of education shall compile, maintain, and update in 7407
January and July of each year, a list of all boards of education, 7408
schools, or programs of a type described in division (A)(3), (4), 7409
or (5) of this section that contains the name of each board of 7410
education, school, or program of that type, the county in which it 7411
is located, its address and telephone number, the name of the 7412
superintendent of the board or of an administrative officer or 7413
employee of the school or program, and, in relation to a board of 7414

education, the county or counties in which each of its schools is 7415
located and the address of each such school. The Ohio board of 7416
regents shall compile, maintain, and update in January and July of 7417
each year, a list of all institutions of a type described in 7418
division (A)(7) of this section that contains the name of each 7419
such institution, the county in which it is located, its address 7420
and telephone number, and the name of its president or other chief 7421
administrative officer. A sheriff required by division (A) or (C) 7422
of this section, or authorized by division (D)(2) of this section, 7423
to provide notices regarding an offender or delinquent child, or a 7424
designee of a sheriff of that type, may request the department of 7425
job and family services, department of education, or Ohio board of 7426
regents, by telephone, in person, or by mail, to provide the 7427
sheriff or designee with the names, addresses, and telephone 7428
numbers of the appropriate persons and entities to whom the 7429
notices described in divisions (A)(2) to (7) of this section are 7430
to be provided. Upon receipt of a request, the department or board 7431
shall provide the requesting sheriff or designee with the names, 7432
addresses, and telephone numbers of the appropriate persons and 7433
entities to whom those notices are to be provided. 7434

Sec. 2950.111. (A) If an offender or delinquent child 7435
registers a residence address, provides notice of a change of any 7436
residence address, or verifies a current residence address 7437
pursuant to section 2950.04, 2950.041, 2950.05, or 2950.06 of the 7438
Revised Code, all of the following apply: 7439

(1) At any time after the registration, provision of the 7440
notice, or verification, the sheriff with whom the offender or 7441
delinquent child so registered or to whom the offender or 7442
delinquent child so provided the notice or verified the current 7443
address, or a designee of that sheriff, may contact a person who 7444
owns, leases, or otherwise has custody, control, or supervision of 7445
the premises at the address provided by the offender or delinquent 7446

child in the registration, the notice, or the verification and 7447
request that the person confirm or deny that the offender or 7448
delinquent child currently resides at that address. 7449

(2) Upon receipt of a request under division (A)(1) of this 7450
section, notwithstanding any other provision of law, the person 7451
who owns, leases, or otherwise has custody, control, or 7452
supervision of the premises, or an agent of that person, shall 7453
comply with the request and inform the sheriff or designee who 7454
made the request whether or not the offender or delinquent child 7455
currently resides at that address. 7456

(3) Section 2950.12 of the Revised Code applies to a person 7457
who, in accordance with division (A)(2) of this section, provides 7458
information of the type described in that division. 7459

(B) Division (A) of this section applies regarding any public 7460
or private residential premises, including, but not limited to, a 7461
private residence, a multi-unit residential facility, a halfway 7462
house, a homeless shelter, or any other type of residential 7463
premises. Division (A) of this section does not apply regarding an 7464
offender's registration, provision of notice of a change in, or 7465
verification of a school, institution of higher education, or 7466
place of employment address pursuant to section 2950.04, 2950.041, 7467
2950.05, or 2950.06 of the Revised Code. 7468

(C) A sheriff or designee of a sheriff may attempt to confirm 7469
that an offender or delinquent child who registers a residence 7470
address, provides notice of a change of any residence address, or 7471
verifies a current residence address as described in division (A) 7472
of this section currently resides at the address in question in 7473
manners other than the manner provided in this section. A sheriff 7474
or designee of a sheriff is not limited in the number of requests 7475
that may be made under this section regarding any registration, 7476
provision of notice, or verification, or in the number of times 7477
that the sheriff or designee may attempt to confirm, in manners 7478

other than the manner provided in this section, that an offender 7479
or delinquent child currently resides at the address in question. 7480

Sec. 2950.12. (A) Except as provided in division (B) of this 7481
section, any of the following persons shall be immune from 7482
liability in a civil action to recover damages for injury, death, 7483
or loss to person or property allegedly caused by an act or 7484
omission in connection with a power, duty, responsibility, or 7485
authorization under this chapter or under rules adopted under 7486
authority of this chapter: 7487

(1) An officer or employee of the bureau of criminal 7488
identification and investigation; 7489

(2) The attorney general, a chief of police, marshal, or 7490
other chief law enforcement officer of a municipal corporation, a 7491
sheriff, a constable or chief of police of a township police 7492
department or police district police force, and a deputy, officer, 7493
or employee of the office of the attorney general, the law 7494
enforcement agency served by the marshal or the municipal or 7495
township chief, the office of the sheriff, or the constable; 7496

(3) A prosecutor and an officer or employee of the office of 7497
a prosecutor; 7498

(4) A supervising officer and an officer or employee of the 7499
adult parole authority of the department of rehabilitation and 7500
correction; 7501

(5) A supervising officer and an officer or employee of the 7502
department of youth services; 7503

(6) A supervisor and a caseworker or employee of a public 7504
children services agency acting pursuant to section 5153.16 of the 7505
Revised Code; 7506

(7) A managing officer of a state correctional institution 7507
and an officer or employee of the department of rehabilitation and 7508

correction; 7509

(8) A person identified in division (A)(2), (3), (4), (5), 7510
(6), or (7) of section 2950.11 of the Revised Code or the agent of 7511
that person; 7512

(9) A person identified in division (A)(2) of section 7513
2950.111 of the Revised Code, regarding the person's provision of 7514
information pursuant to that division to a sheriff or a designee 7515
of a sheriff. 7516

(B) The immunity described in division (A) of this section 7517
does not apply to a person described in divisions (A)(1) to (8) of 7518
this section if, in relation to the act or omission in question, 7519
any of the following applies: 7520

(1) The act or omission was manifestly outside the scope of 7521
the person's employment or official responsibilities. 7522

(2) The act or omission was with malicious purpose, in bad 7523
faith, or in a wanton or reckless manner. 7524

(3) Liability for the act or omission is expressly imposed by 7525
a section of the Revised Code. 7526

Sec. 2950.13. (A) The attorney general shall do all of the 7527
following: 7528

(1) No later than July 1, 1997, establish and maintain a 7529
state registry of sex offenders and child-victim offenders that is 7530
housed at the bureau of criminal identification and investigation 7531
and that contains all of the registration, change of residence, 7532
school, institution of higher education, or place of employment 7533
address, and verification information the bureau receives pursuant 7534
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 7535
Code regarding a person who is convicted of or pleads guilty to, 7536
or has been convicted of or pleaded guilty to, either a sexually 7537
oriented offense that is not a registration-exempt sexually 7538

oriented offense or a child-victim oriented offense or a person 7539
who is adjudicated a delinquent child for committing either a 7540
sexually oriented offense that is not a registration-exempt 7541
sexually oriented offense or a child-victim oriented offense and 7542
is classified a juvenile ~~sex~~ offender registrant or is an 7543
out-of-state juvenile ~~sex~~ offender registrant based on that 7544
adjudication, and all of the information the bureau receives 7545
pursuant to section 2950.14 of the Revised Code~~r~~. For a person who 7546
was convicted of or pleaded guilty to the sexually oriented 7547
offense or child-victim related offense, the registry also shall 7548
indicate whether the person was convicted of or pleaded guilty to 7549
the offense in a criminal prosecution or in a serious youthful 7550
offender case. 7551

(2) In consultation with local law enforcement 7552
representatives and no later than July 1, 1997, adopt rules that 7553
contain guidelines necessary for the implementation of this 7554
chapter; 7555

(3) In consultation with local law enforcement 7556
representatives ~~and no later than July 1, 1997,~~ adopt rules for 7557
the implementation and administration of the provisions contained 7558
in section 2950.11 of the Revised Code that pertain to the 7559
notification of neighbors of an offender or a delinquent child who 7560
has committed a sexually oriented offense that is not a 7561
registration-exempt sexually oriented offense and has been 7562
adjudicated ~~as being~~ a sexual predator or determined to be a 7563
habitual sex offender ~~or,~~ an offender who has committed ~~on or~~ 7564
~~after the effective date of this amendment~~ an aggravated sexually 7565
oriented offense, or an offender or delinquent child who has 7566
committed a child-victim oriented offense and has been adjudicated 7567
a child-victim predator or determined to be a habitual 7568
child-victim offender, and rules that prescribe a manner in which 7569
victims of either a sexually oriented offense that is not a 7570

registration-exempt sexually oriented offense or a child-victim 7571
oriented offense committed by an offender or a delinquent child 7572
who has been adjudicated ~~as being~~ a sexual predator or determined 7573
to be a habitual sex offender ~~or, an offender~~ who has committed ~~on~~ 7574
~~or after the effective date of this amendment~~ an aggravated 7575
sexually oriented offense, or an offender or delinquent child who 7576
has committed a child-victim oriented offense and has been 7577
adjudicated a child-victim predator or determined to be a habitual 7578
child-victim offender may make a request that specifies that the 7579
victim would like to be provided the notices described in 7580
divisions (A)(1) and (2) of section 2950.10 of the Revised Code; 7581

(4) In consultation with local law enforcement 7582
representatives and through the bureau of criminal identification 7583
and investigation, prescribe the forms to be used by judges and 7584
officials pursuant to section 2950.03 of the Revised Code to 7585
advise offenders and delinquent children of their duties of filing 7586
a notice of intent to reside, registration, notification of a 7587
change of residence, school, institution of higher education, or 7588
place of employment address and registration of the new ~~residence,~~ 7589
school, institution of higher education, or place of employment 7590
address, as applicable, and ~~residence~~ address verification under 7591
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 7592
Code, and prescribe the forms to be used by sheriffs relative to 7593
those duties of filing a notice of intent to reside, registration, 7594
change of residence, school, institution of higher education, or 7595
place of employment address notification, and ~~residence~~ address 7596
verification; 7597

(5) Make copies of the forms prescribed under division (A)(4) 7598
of this section available to judges, officials, and sheriffs; 7599

(6) Through the bureau of criminal identification and 7600
investigation, provide the notifications, the information, and the 7601
documents that the bureau is required to provide to appropriate 7602

law enforcement officials and to the federal bureau of 7603
investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 7604
2950.06 of the Revised Code; 7605

(7) Through the bureau of criminal identification and 7606
investigation, maintain the verification forms returned under the 7607
~~residence~~ address verification mechanism set forth in section 7608
2950.06 of the Revised Code; 7609

(8) In consultation with representatives of the officials, 7610
judges, and sheriffs, adopt procedures for officials, judges, and 7611
sheriffs to use to forward information, photographs, and 7612
fingerprints to the bureau of criminal identification and 7613
investigation pursuant to the requirements of sections 2950.03, 7614
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 7615

(9) In consultation with the director of education, the 7616
director of job and family services, and the director of 7617
rehabilitation and correction ~~and no later than July 1, 1997,~~ 7618
adopt rules that contain guidelines to be followed by boards of 7619
education of a school district, chartered nonpublic schools or 7620
other schools not operated by a board of education, preschool 7621
programs, child day-care centers, type A family day-care homes, 7622
certified type B family day-care homes, and institutions of higher 7623
education regarding the proper use and administration of 7624
information received pursuant to section 2950.11 of the Revised 7625
Code relative to an offender or delinquent child who has been 7626
adjudicated ~~as being~~ a sexual predator or child-victim predator or 7627
determined to be a habitual sex offender or habitual child-victim 7628
offender, or an offender who has committed an aggravated sexually 7629
oriented offense; 7630

(10) In consultation with local law enforcement 7631
representatives and no later than July 1, 1997, adopt rules that 7632
designate a geographic area or areas within which the notice 7633
described in division (B) of section 2950.11 of the Revised Code 7634

must be given to the persons identified in divisions (A)(2) to (8) 7635
of that section; 7636

(11) Through the bureau of criminal identification and 7637
investigation, not later than January 1, 2004, establish and 7638
operate on the internet a sex offender and child-victim offender 7639
database that contains information for every offender who has 7640
committed either a sexually oriented offense that is not a 7641
registration-exempt sexually oriented offense or a child-victim 7642
oriented offense and who registers in any county in this state 7643
pursuant to section 2950.04 or 2950.041 of the Revised Code. The 7644
bureau shall determine the information to be provided on the 7645
database for each offender and shall obtain that information from 7646
the information contained in the state registry of sex offenders 7647
and child-victim offenders described in division (A)(1) of this 7648
section, which information, while in the possession of the sheriff 7649
who provided it, is a public record open for inspection as 7650
described in section 2950.081 of the Revised Code. The information 7651
provided for each offender shall include at least the information 7652
set forth in division (B) of section 2950.11 of the Revised Code. 7653
The database is a public record open for inspection under section 7654
149.43 of the Revised Code, and it shall be searchable by offender 7655
name, by county, by zip code, and by school district. The database 7656
shall provide a link to the web site of each sheriff who has 7657
established and operates on the internet a sex offender and 7658
child-victim offender database that contains information for 7659
offenders who register in that county pursuant to section 2950.04 7660
or 2950.041 of the Revised Code, with the link being a direct link 7661
to the sex offender and child-victim offender database for the 7662
sheriff. 7663

(12) Upon the request of any sheriff, provide technical 7664
guidance to the requesting sheriff in establishing on the internet 7665
a sex offender and child-victim offender database for the public 7666

dissemination of some or all of the materials described in 7667
division (A) of section 2950.081 of the Revised Code that are 7668
public records under that division and that pertain to offenders 7669
who register in that county pursuant to section 2950.04 or 7670
2950.041 of the Revised Code; 7671

(13) Through the bureau of criminal identification and 7672
investigation, not later than January 1, 2004, establish and 7673
operate on the internet a database that enables local law 7674
enforcement representatives to remotely search by electronic means 7675
the state registry of sex offenders and child-victim offenders 7676
described in division (A)(1) of this section and any information 7677
the bureau receives pursuant to sections 2950.04, 2950.041, 7678
2950.05, 2950.06, and 2950.14 of the Revised Code. The database 7679
shall enable local law enforcement representatives to obtain 7680
detailed information regarding each offender and delinquent child 7681
who is included in the registry, including, but not limited to the 7682
offender's or delinquent child's name, residence address, place of 7683
employment if applicable, motor vehicle license plate number if 7684
applicable, victim preference if available, date of most recent 7685
release from confinement if applicable, fingerprints, and other 7686
identification parameters the bureau considers appropriate. The 7687
database is not a public record open for inspection under section 7688
149.43 of the Revised Code and shall be available only to law 7689
enforcement representatives as described in this division. 7690
Information obtained by local law enforcement representatives 7691
through use of this database is not open to inspection by the 7692
public or by any person other than a person identified in division 7693
(A) of section 2950.08 of the Revised Code. 7694

(B) The attorney general, in consultation with local law 7695
enforcement representatives, may adopt rules that establish one or 7696
more categories of neighbors of an offender or delinquent child 7697
who, in addition to the occupants of ~~residences adjacent to an~~ 7698

~~offender's or delinquent child's place of residence residential premises and other persons specified in division (A)(1) of section 2950.11 of the Revised Code, must be given the notice described in division (B) of that section 2950.11 of the Revised Code.~~

(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to division (A)(13) of this section.

(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 2950.14. (A) Prior to releasing an offender who is under the custody and control of the department of rehabilitation and correction and who has been convicted of or pleaded guilty to committing, either prior to, on, or after January 1, 1997, any sexually oriented offense that is not a registration-exempt sexually oriented offense or any child-victim oriented offense, the department of rehabilitation and correction shall provide all of the information described in division (B) of this section to the bureau of criminal identification and investigation regarding the offender. Prior to releasing a delinquent child who is in the custody of the department of youth services who has been adjudicated a delinquent child for committing on or after January

1, 2002, a any sexually oriented offense that is not a 7730
registration-exempt sexually oriented offense or any child-victim 7731
oriented offense, and who has been classified a juvenile ~~sex~~ 7732
offender registrant based on that adjudication, the department of 7733
youth services shall provide all of the information described in 7734
division (B) of this section to the bureau of criminal 7735
identification and investigation regarding the delinquent child. 7736

(B) The department of rehabilitation and correction and the 7737
department of youth services shall provide all of the following 7738
information to the bureau of criminal identification and 7739
investigation regarding an offender or delinquent child described 7740
in division (A) of this section: 7741

(1) The offender's or delinquent child's name and any aliases 7742
used by the offender or delinquent child; 7743

(2) All identifying factors concerning the offender or 7744
delinquent child; 7745

(3) The offender's or delinquent child's anticipated future 7746
residence; 7747

(4) The offense and delinquency history of the offender or 7748
delinquent child; 7749

(5) Whether the offender or delinquent child was treated for 7750
a mental abnormality or personality disorder while under the 7751
custody and control of the department; 7752

(6) Any other information that the bureau indicates is 7753
relevant and that the department possesses. 7754

(C) Upon receipt of the information described in division (B) 7755
of this section regarding an offender or delinquent child, the 7756
bureau immediately shall enter the information into the state 7757
registry of sex offenders and child-victim offenders that the 7758
bureau maintains pursuant to section 2950.13 of the Revised Code 7759

and into the records that the bureau maintains pursuant to 7760
division (A) of section 109.57 of the Revised Code. 7761

Sec. 2950.99. (A) ~~Whoever (1)(a) Except as otherwise provided~~ 7762
in division (A)(1)(b) of this section, whoever violates a 7763
prohibition in section 2950.04, ~~2950.041,~~ 2950.05, or 2950.06 of 7764
the Revised Code ~~is guilty of a felony of the fifth degree if~~ 7765
shall be punished as follows: 7766

(i) If the most serious sexually oriented offense or 7767
child-victim oriented offense that was the basis of the 7768
registration, notice of intent to reside, change of address 7769
notification, or address verification requirement that was 7770
violated under the prohibition is aggravated murder, murder, or a 7771
felony of the first, second, or third degree if committed by an 7772
adult, the offender is guilty of a felony of the third degree. 7773

(ii) If the most serious sexually oriented offense or 7774
child-victim oriented offense that was the basis of the 7775
registration, notice of intent to reside, change of address 7776
notification, or address verification requirement that was 7777
violated under the prohibition is a felony of the fourth or fifth 7778
degree if committed by an adult, ~~and a misdemeanor of the first~~ 7779
~~degree,~~ or if the most serious sexually oriented offense or 7780
child-victim oriented offense that was the basis of the 7781
registration, notice of intent to reside, change of address 7782
notification, or address verification requirement that was 7783
violated under the prohibition is a misdemeanor if committed by an 7784
adult. ~~In,~~ the offender is guilty of a felony of the same degree 7785
or a misdemeanor of the same degree as the most serious sexually 7786
oriented offense or child-victim oriented offense that was the 7787
basis of the registration, notice of intent to reside, change of 7788
address, or address verification requirement that was violated 7789
under the prohibition. 7790

(b) If the offender previously has been convicted of or 7791
pleaded guilty to, or previously has been adjudicated a delinquent 7792
child for committing, a violation of a prohibition in section 7793
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 7794
whoever violates a prohibition in section 2950.04, 2950.041, 7795
2950.05, or 2950.06 of the Revised Code shall be punished as 7796
follows: 7797

(i) If the most serious sexually oriented offense or 7798
child-victim oriented offense that was the basis of the 7799
registration, notice of intent to reside, change of address 7800
notification, or address verification requirement that was 7801
violated under the prohibition is aggravated murder, murder, or a 7802
felony of the first, second, third, or fourth degree if committed 7803
by an adult, the offender is guilty of a felony of the third 7804
degree. 7805

(ii) If the most serious sexually oriented offense or 7806
child-victim oriented offense that was the basis of the 7807
registration, notice of intent to reside, change of address 7808
notification, or address verification requirement that was 7809
violated under the prohibition is a felony of the fifth degree if 7810
committed by an adult, the offender is guilty of a felony of the 7811
fourth degree. 7812

(iii) If the most serious sexually oriented offense or 7813
child-victim oriented offense that was the basis of the 7814
registration, notice of intent to reside, change of address 7815
notification, or address verification requirement that was 7816
violated under the prohibition is a misdemeanor of the first 7817
degree if committed by an adult, the offender is guilty of a 7818
felony of the fifth degree. 7819

(iv) If the most serious sexually oriented offense or 7820
child-victim oriented offense that was the basis of the 7821

registration, notice of intent to reside, change of address 7822
notification, or address verification requirement that was 7823
violated under the prohibition is a misdemeanor other than a 7824
misdemeanor of the first degree if committed by an adult, the 7825
offender is guilty of a misdemeanor that is one degree higher than 7826
the most serious sexually oriented offense or child-victim 7827
oriented offense that was the basis of the registration, change of 7828
address, or address verification requirement that was violated 7829
under the prohibition. 7830

(2) In addition to any penalty or sanction imposed under 7831
division (A)(1) of this section or any other provision of law for 7832
the a violation of a prohibition in section 2950.04, 2950.041, 7833
2950.05, or 2950.06 of the Revised Code, if the offender or 7834
delinquent child is on probation or parole, is subject to one or 7835
more post-release control sanctions, or is subject to any other 7836
type of supervised release at the time of the violation, the 7837
violation shall constitute a violation of the terms and conditions 7838
of the probation, parole, post-release control sanction, or other 7839
type of supervised release. 7840

(B) If a person violates a prohibition in section 2950.04, 7841
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 7842
the person as a result of the person being adjudicated a 7843
delinquent child and being classified a juvenile ~~sex~~ offender 7844
registrant or ~~is~~ as an out-of-state juvenile ~~sex~~ offender 7845
registrant, both of the following apply: 7846

(1) If the violation occurs while the person is under 7847
eighteen years of age, the person is subject to proceedings under 7848
Chapter 2152. of the Revised Code based on the violation. 7849

(2) If the violation occurs while the person is eighteen 7850
years of age or older, the person is subject to criminal 7851
prosecution based on the violation. 7852

(C) Whoever violates division (C) of section 2950.13 of the Revised Code is guilty of a misdemeanor of the first degree. 7853
7854

Sec. 2971.01. As used in this chapter: 7855

(A) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 7856
7857

(B) "Designated homicide, assault, or kidnapping offense" means any of the following: 7858
7859

(1) A violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code or a violation of division (A) of section 2903.04 of the Revised Code; 7860
7861
7862

(2) An attempt to commit or complicity in committing a violation listed in division (B)(1) of this section, if the attempt or complicity is a felony. 7863
7864
7865

(C) "Examiner" has the same meaning as in section 2945.371 of the Revised Code. 7866
7867

(D) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 7868
7869

(E) "Prosecuting attorney" means the prosecuting attorney who prosecuted the case of the offender in question or the successor in office to that prosecuting attorney. 7870
7871
7872

(F) "Sexually oriented offense" ~~has~~ and "child-victim oriented offense" have the same ~~meaning~~ meanings as in section 2950.01 of the Revised Code. 7873
7874
7875

(G) "Sexually violent offense" means a violent sex offense, or a designated homicide, assault, or kidnapping offense for which the offender also was convicted of or pleaded guilty to a sexual motivation specification. 7876
7877
7878
7879

(H)(1) "Sexually violent predator" means a person who has been convicted of or pleaded guilty to committing, on or after ~~the~~ 7880
7881

~~effective date of this section~~ January 1, 1997, a sexually violent 7882
offense and is likely to engage in the future in one or more 7883
sexually violent offenses. 7884

(2) For purposes of division (H)(1) of this section, any of 7885
the following factors may be considered as evidence tending to 7886
indicate that there is a likelihood that the person will engage in 7887
the future in one or more sexually violent offenses: 7888

(a) The person has been convicted two or more times, in 7889
separate criminal actions, of a sexually oriented offense or a 7890
child-victim oriented offense. For purposes of this division, 7891
convictions that result from or are connected with the same act or 7892
result from offenses committed at the same time are one 7893
conviction, and a conviction set aside pursuant to law is not a 7894
conviction. 7895

(b) The person has a documented history from childhood, into 7896
the juvenile developmental years, that exhibits sexually deviant 7897
behavior. 7898

(c) Available information or evidence suggests that the 7899
person chronically commits offenses with a sexual motivation. 7900

(d) The person has committed one or more offenses in which 7901
the person has tortured or engaged in ritualistic acts with one or 7902
more victims. 7903

(e) The person has committed one or more offenses in which 7904
one or more victims were physically harmed to the degree that the 7905
particular victim's life was in jeopardy. 7906

(f) Any other relevant evidence. 7907

(I) "Sexually violent predator specification" means a 7908
specification, as described in section 2941.148 of the Revised 7909
Code, charging a person with being a sexually violent predator. 7910

(J) "Sexual motivation" means a purpose to gratify the sexual 7911

needs or desires of the offender. 7912

(K) "Sexual motivation specification" means a specification, 7913
as described in section 2941.147 of the Revised Code, that charges 7914
that a person charged with a designated homicide, assault, or 7915
kidnapping offense committed the offense with a sexual motivation. 7916

(L) "Violent sex offense" means any of the following: 7917

(1) A violation of section 2907.02, 2907.03, or 2907.12 or of 7918
division (A)(4) of section 2907.05 of the Revised Code; 7919

(2) A felony violation of a former law of this state that is 7920
substantially equivalent to a violation listed in division (L)(1) 7921
of this section or of an existing or former law of the United 7922
States or of another state that is substantially equivalent to a 7923
violation listed in division (L)(1) of this section; 7924

(3) An attempt to commit or complicity in committing a 7925
violation listed in division (L)(1) or (2) of this section if the 7926
attempt or complicity is a felony. 7927

Sec. 3319.20. Whenever an employee of a board of education, 7928
other than an employee who is a license holder to whom section 7929
3319.52 of the Revised Code applies, is convicted of or pleads 7930
guilty to a felony, a violation of section 2907.04 or 2907.06 or 7931
of division (A) or ~~(C)~~(B) of section 2907.07 of the Revised Code, 7932
an offense of violence, theft offense, or drug abuse offense that 7933
is not a minor misdemeanor, or a violation of an ordinance of a 7934
municipal corporation that is substantively comparable to a felony 7935
or to a violation or offense of that nature, the prosecutor in the 7936
case, on forms prescribed and furnished by the state board of 7937
education, shall notify the employing board of education of the 7938
employee's name and residence address, the fact that the employee 7939
was convicted of or pleaded guilty to the specified offense, the 7940
section of the Revised Code or the municipal ordinance violated, 7941

and the sentence imposed by the court. 7942

The prosecutor shall give the notification required by this 7943
section no earlier than the fifth day following the expiration of 7944
the period within which the employee may file a notice of appeal 7945
from the judgment of the trial court under Appellate Rule 4(B) and 7946
no later than the eighth day following the expiration of that 7947
period. The notification also shall indicate whether the employee 7948
appealed the conviction, and, if applicable, the court in which 7949
the appeal will be heard. If the employee is permitted, by leave 7950
of court pursuant to Appellate Rule 5, to appeal the judgment of 7951
the trial court subsequent to the expiration of the period for 7952
filing a notice of appeal under Appellate Rule 4(B), the 7953
prosecutor promptly shall notify the employing board of education 7954
of the appeal and the court in which the appeal will be heard. 7955

As used in this section, "theft offense" has the same meaning 7956
as in section 2913.01 of the Revised Code, "drug abuse offense" 7957
has the same meaning as in section 2925.01 of the Revised Code, 7958
and "prosecutor" has the same meaning as in section 2935.01 of the 7959
Revised Code. 7960

Sec. 3319.31. (A) As used in this section and sections 7961
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 7962
means a certificate, license, or permit described in division (B) 7963
of section 3301.071 or in section 3301.074, 3319.088, 3319.29, or 7964
3319.302 of the Revised Code. 7965

(B) For any of the following reasons, the state board of 7966
education, in accordance with Chapter 119. and section 3319.311 of 7967
the Revised Code, may refuse to issue a license to an applicant, 7968
may limit a license it issues to an applicant, or may suspend, 7969
revoke, or limit a license that has been issued to any person: 7970

(1) Engaging in an immoral act, incompetence, negligence, or 7971
conduct that is unbecoming to the applicant's or person's 7972

position;	7973
(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:	7974 7975
(a) A felony;	7976
(b) A violation of section 2907.04 or 2907.06 or division (A) or (C) (B) of section 2907.07 of the Revised Code;	7977 7978
(c) An offense of violence;	7979
(d) A theft offense, as defined in section 2913.01 of the Revised Code;	7980 7981
(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor;	7982 7983
(f) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this section.	7984 7985 7986
(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.	7987 7988 7989 7990
(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.	7991 7992 7993
Sec. 5139.13. (A) The department of youth services shall do all of the following:	7994 7995
(1) Control and manage all institutions for the rehabilitation of delinquent children and youthful offenders that are operated by the state, except where the control and management of an institution is vested by law in another agency;	7996 7997 7998 7999
(2) Provide treatment and training for children committed to the department and assigned by the department to various	8000 8001

institutions under its control and management, including, but not 8002
limited to, for a child committed to it for an act that is either 8003
a sexually oriented offense that is not a registration-exempt 8004
sexually oriented offense or a child-victim oriented offense, 8005
treatment that is appropriate for a child who commits an act that 8006
is a sexually oriented offense that is not a registration-exempt 8007
sexually oriented offense or child-victim oriented offense and 8008
that is intended to ensure that the child does not commit any 8009
subsequent act that is a sexually oriented offense or a 8010
child-victim oriented offense; 8011

(3) Establish and maintain appropriate reception centers for 8012
the reception of children committed to the department and employ 8013
competent persons to have charge of those centers and to conduct 8014
investigations; 8015

(4) Establish and maintain any other facilities necessary for 8016
the training, treatment, and rehabilitation of children committed 8017
to the department. 8018

(B) As used in this section, "sexually oriented offense" ~~has~~ 8019
and "child-victim oriented offense" have the same ~~meaning~~ meanings 8020
as in section 2950.01 of the Revised Code. 8021

Sec. 5321.01. As used in this chapter: 8022

(A) "Tenant" means a person entitled under a rental agreement 8023
to the use and occupancy of residential premises to the exclusion 8024
of others. 8025

(B) "Landlord" means the owner, lessor, or sublessor of 8026
residential premises, the agent of the owner, lessor, or 8027
sublessor, or any person authorized by the owner, lessor, or 8028
sublessor to manage the premises or to receive rent from a tenant 8029
under a rental agreement. 8030

(C) "Residential premises" means a dwelling unit for 8031

residential use and occupancy and the structure of which it is a 8032
part, the facilities and appurtenances in it, and the grounds, 8033
areas, and facilities for the use of tenants generally or the use 8034
of which is promised the tenant. "Residential premises" includes a 8035
dwelling unit that is owned or operated by a college or 8036
university. "Residential premises" does not include any of the 8037
following: 8038

(1) Prisons, jails, workhouses, and other places of 8039
incarceration or correction, including, but not limited to, 8040
halfway houses or residential arrangements which are used or 8041
occupied as a requirement of probation or parole; 8042

(2) Hospitals and similar institutions with the primary 8043
purpose of providing medical services, and homes licensed pursuant 8044
to Chapter 3721. of the Revised Code; 8045

(3) Tourist homes, hotels, motels, and other similar 8046
facilities where circumstances indicate a transient occupancy; 8047

(4) Elementary and secondary boarding schools, where the cost 8048
of room and board is included as part of the cost of tuition; 8049

(5) Orphanages and similar institutions; 8050

(6) Farm residences furnished in connection with the rental 8051
of land of a minimum of two acres for production of agricultural 8052
products by one or more of the occupants; 8053

(7) Dwelling units subject to sections 3733.41 to 3733.49 of 8054
the Revised Code; 8055

(8) Occupancy by an owner of a condominium unit; 8056

(9) Occupancy in a facility licensed as an SRO facility 8057
pursuant to Chapter 3731. of the Revised Code, if the facility is 8058
owned or operated by an organization that is exempt from taxation 8059
under section 501(c)(3) of the "Internal Revenue Code of 1986," 8060
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 8061

group of entities in which such an organization has a controlling interest, and if either of the following applies:

(a) The occupancy is for a period of less than sixty days;

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:

(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;

(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.

(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.

(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 8092
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(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student. 8094
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(I) "School premises" has the same meaning as in section 2925.01 of the Revised Code. 8098
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(J) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 8100
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Sec. 5321.03. (A) Notwithstanding section 5321.02 of the Revised Code, a landlord may bring an action under Chapter 1923. of the Revised Code for possession of the premises if: 8103
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(1) The tenant is in default in the payment of rent; 8106

(2) The violation of the applicable building, housing, health, or safety code that the tenant complained of was primarily caused by any act or lack of reasonable care by the tenant, or by any other person in the tenant's household, or by anyone on the premises with the consent of the tenant; 8107
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(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the tenant of the use of the dwelling unit; 8112
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(4) A tenant is holding over ~~his~~ the tenant's term. 8116

(5) The residential premises are located within one thousand feet of any school premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises: 8117
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(a) The tenant's or other occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 8121
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(b) The state registry of sex offenders and child-victim offenders indicates that the tenant or other occupant was convicted of or pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 8124
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(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code. 8131
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(C) This section does not apply to a dwelling unit occupied by a student tenant. 8135
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Sec. 5321.051. (A)(1) No tenant of any residential premises located within one thousand feet of any school premises shall allow any person to occupy those residential premises if both of the following apply regarding the person: 8137
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(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 8141
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(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 8144
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(2) If a tenant allows occupancy in violation of this section or a person establishes a residence or occupies residential premises in violation of section 2950.031 of the Revised Code, the landlord for the residential premises that are the subject of the rental agreement or other tenancy may terminate the rental agreement or other tenancy of the tenant and all other occupants.

(B) If a landlord is authorized to terminate a rental agreement or other tenancy pursuant to division (A) of this section but does not so terminate the rental agreement or other tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly results from that decision.

Section 2. That existing sections 109.42, 109.57, 1923.01, 1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 2152.84, 2152.85, 2901.07, 2907.07, 2919.24, 2929.01, 2929.13, 2929.19, 2929.21, 2935.36, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2950.99, 2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and 5321.03 of the Revised Code are hereby repealed.

Section 3. That the versions of sections 2152.19, 2929.01, 2929.13, and 2929.19 of the Revised Code that are scheduled to take effect January 1, 2004, be amended to read as follows:

Sec. 2152.19. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition, in addition to any other disposition authorized or required by this chapter:

(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected,

or dependent child; 8180

(2) Commit the child to the temporary custody of any school, 8181
camp, institution, or other facility operated for the care of 8182
delinquent children by the county, by a district organized under 8183
section 2152.41 or 2151.65 of the Revised Code, or by a private 8184
agency or organization, within or without the state, that is 8185
authorized and qualified to provide the care, treatment, or 8186
placement required; 8187

(3) Place the child on community control under any sanctions, 8188
services, and conditions that the court prescribes. As a condition 8189
of community control in every case and in addition to any other 8190
condition that it imposes upon the child, the court shall require 8191
the child to abide by the law during the period of community 8192
control. As referred to in this division, community control 8193
includes, but is not limited to, the following sanctions and 8194
conditions: 8195

(a) A period of basic probation supervision in which the 8196
child is required to maintain contact with a person appointed to 8197
supervise the child in accordance with sanctions imposed by the 8198
court; 8199

(b) A period of intensive probation supervision in which the 8200
child is required to maintain frequent contact with a person 8201
appointed by the court to supervise the child while the child is 8202
seeking or maintaining employment and participating in training, 8203
education, and treatment programs as the order of disposition; 8204

(c) A period of day reporting in which the child is required 8205
each day to report to and leave a center or another approved 8206
reporting location at specified times in order to participate in 8207
work, education or training, treatment, and other approved 8208
programs at the center or outside the center; 8209

(d) A period of community service of up to five hundred hours 8210

for an act that would be a felony or a misdemeanor of the first	8211
degree if committed by an adult, up to two hundred hours for an	8212
act that would be a misdemeanor of the second, third, or fourth	8213
degree if committed by an adult, or up to thirty hours for an act	8214
that would be a minor misdemeanor if committed by an adult;	8215
(e) A requirement that the child obtain a high school	8216
diploma, a certificate of high school equivalence, vocational	8217
training, or employment;	8218
(f) A period of drug and alcohol use monitoring;	8219
(g) A requirement of alcohol or drug assessment or	8220
counseling, or a period in an alcohol or drug treatment program	8221
with a level of security for the child as determined necessary by	8222
the court;	8223
(h) A period in which the court orders the child to observe a	8224
curfew that may involve daytime or evening hours;	8225
(i) A requirement that the child serve monitored time;	8226
(j) A period of house arrest with or without electronic	8227
monitoring;	8228
(k) A period of electronic monitoring without house arrest or	8229
electronically monitored house arrest that does not exceed the	8230
maximum sentence of imprisonment that could be imposed upon an	8231
adult who commits the same act.	8232
A period of electronically monitored house arrest imposed	8233
under this division shall not extend beyond the child's	8234
twenty-first birthday. If a court imposes a period of	8235
electronically monitored house arrest upon a child under this	8236
division, it shall require the child: to wear, otherwise have	8237
attached to the child's person, or otherwise be subject to	8238
monitoring by a certified electronic monitoring device or to	8239
participate in the operation of and monitoring by a certified	8240

electronic monitoring system; to remain in the child's home or 8241
other specified premises for the entire period of electronically 8242
monitored house arrest except when the court permits the child to 8243
leave those premises to go to school or to other specified 8244
premises; to be monitored by a central system that can determine 8245
the child's location at designated times; to report periodically 8246
to a person designated by the court; and to enter into a written 8247
contract with the court agreeing to comply with all requirements 8248
imposed by the court, agreeing to pay any fee imposed by the court 8249
for the costs of the electronically monitored house arrest, and 8250
agreeing to waive the right to receive credit for any time served 8251
on electronically monitored house arrest toward the period of any 8252
other dispositional order imposed upon the child if the child 8253
violates any of the requirements of the dispositional order of 8254
electronically monitored house arrest. The court also may impose 8255
other reasonable requirements upon the child. 8256

Unless ordered by the court, a child shall not receive credit 8257
for any time served on electronically monitored house arrest 8258
toward any other dispositional order imposed upon the child for 8259
the act for which was imposed the dispositional order of 8260
electronically monitored house arrest. 8261

(1) A suspension of the driver's license, probationary 8262
driver's license, or temporary instruction permit issued to the 8263
child for a period of time prescribed by the court, or a 8264
suspension of the registration of all motor vehicles registered in 8265
the name of the child for a period of time prescribed by the 8266
court. A child whose license or permit is so suspended is 8267
ineligible for issuance of a license or permit during the period 8268
of suspension. At the end of the period of suspension, the child 8269
shall not be reissued a license or permit until the child has paid 8270
any applicable reinstatement fee and complied with all 8271
requirements governing license reinstatement. 8272

(4) Commit the child to the custody of the court;	8273
(5) Require the child to not be absent without legitimate	8274
excuse from the public school the child is supposed to attend for	8275
five or more consecutive days, seven or more school days in one	8276
school month, or twelve or more school days in a school year;	8277
(6)(a) If a child is adjudicated a delinquent child for being	8278
a chronic truant or an habitual truant who previously has been	8279
adjudicated an unruly child for being a habitual truant, do either	8280
or both of the following:	8281
(i) Require the child to participate in a truancy prevention	8282
mediation program;	8283
(ii) Make any order of disposition as authorized by this	8284
section, except that the court shall not commit the child to a	8285
facility described in division (A)(2) of this section unless the	8286
court determines that the child violated a lawful court order made	8287
pursuant to division (C)(1)(e) of section 2151.354 of the Revised	8288
Code or division (A)(5) of this section.	8289
(b) If a child is adjudicated a delinquent child for being a	8290
chronic truant or a habitual truant who previously has been	8291
adjudicated an unruly child for being a habitual truant and the	8292
court determines that the parent, guardian, or other person having	8293
care of the child has failed to cause the child's attendance at	8294
school in violation of section 3321.38 of the Revised Code, do	8295
either or both of the following:	8296
(i) Require the parent, guardian, or other person having care	8297
of the child to participate in a truancy prevention mediation	8298
program;	8299
(ii) Require the parent, guardian, or other person having	8300
care of the child to participate in any community service program,	8301
preferably a community service program that requires the	8302

involvement of the parent, guardian, or other person having care 8303
of the child in the school attended by the child. 8304

(7) Make any further disposition that the court finds proper, 8305
except that the child shall not be placed in any of the following: 8306

(a) A state correctional institution, a county, multicounty, 8307
or municipal jail or workhouse, or another place in which an adult 8308
convicted of a crime, under arrest, or charged with a crime is 8309
held; 8310

(b) A community corrections facility, if the child would be 8311
covered by the definition of public safety beds for purposes of 8312
sections 5139.41 to 5139.45 of the Revised Code if the court 8313
exercised its authority to commit the child to the legal custody 8314
of the department of youth services for institutionalization or 8315
institutionalization in a secure facility pursuant to this 8316
chapter. 8317

(B) If a child is adjudicated a delinquent child, in addition 8318
to any order of disposition made under division (A) of this 8319
section, the court, in the following situations and for the 8320
specified periods of time, shall suspend the child's temporary 8321
instruction permit, restricted license, probationary driver's 8322
license, or nonresident operating privilege, or suspend the 8323
child's ability to obtain such a permit: 8324

(1) If the child is adjudicated a delinquent child for 8325
violating section 2923.122 of the Revised Code, impose a class 8326
four suspension of the child's license, permit, or privilege from 8327
the range specified in division (A)(4) of section 4510.02 of the 8328
Revised Code or deny the child the issuance of a license or permit 8329
in accordance with division (F)(1) of section 2923.122 of the 8330
Revised Code. 8331

(2) If the child is adjudicated a delinquent child for 8332
committing an act that if committed by an adult would be a drug 8333

abuse offense or for violating division (B) of section 2917.11 of 8334
the Revised Code, suspend the child's license, permit, or 8335
privilege for a period of time prescribed by the court. The court, 8336
in its discretion, may terminate the suspension if the child 8337
attends and satisfactorily completes a drug abuse or alcohol abuse 8338
education, intervention, or treatment program specified by the 8339
court. During the time the child is attending a program described 8340
in this division, the court shall retain the child's temporary 8341
instruction permit, probationary driver's license, or driver's 8342
license, and the court shall return the permit or license if it 8343
terminates the suspension as described in this division. 8344

(C) The court may establish a victim-offender mediation 8345
program in which victims and their offenders meet to discuss the 8346
offense and suggest possible restitution. If the court obtains the 8347
assent of the victim of the delinquent act committed by the child, 8348
the court may require the child to participate in the program. 8349

(D)(1) If a child is adjudicated a delinquent child for 8350
committing an act that would be a felony if committed by an adult 8351
and if the child caused, attempted to cause, threatened to cause, 8352
or created a risk of physical harm to the victim of the act, the 8353
court, prior to issuing an order of disposition under this 8354
section, shall order the preparation of a victim impact statement 8355
by the probation department of the county in which the victim of 8356
the act resides, by the court's own probation department, or by a 8357
victim assistance program that is operated by the state, a county, 8358
a municipal corporation, or another governmental entity. The court 8359
shall consider the victim impact statement in determining the 8360
order of disposition to issue for the child. 8361

(2) Each victim impact statement shall identify the victim of 8362
the act for which the child was adjudicated a delinquent child, 8363
itemize any economic loss suffered by the victim as a result of 8364
the act, identify any physical injury suffered by the victim as a 8365

result of the act and the seriousness and permanence of the 8366
injury, identify any change in the victim's personal welfare or 8367
familial relationships as a result of the act and any 8368
psychological impact experienced by the victim or the victim's 8369
family as a result of the act, and contain any other information 8370
related to the impact of the act upon the victim that the court 8371
requires. 8372

(3) A victim impact statement shall be kept confidential and 8373
is not a public record. However, the court may furnish copies of 8374
the statement to the department of youth services if the 8375
delinquent child is committed to the department or to both the 8376
adjudicated delinquent child or the adjudicated delinquent child's 8377
counsel and the prosecuting attorney. The copy of a victim impact 8378
statement furnished by the court to the department pursuant to 8379
this section shall be kept confidential and is not a public 8380
record. If an officer is preparing pursuant to section 2947.06 or 8381
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 8382
investigation report pertaining to a person, the court shall make 8383
available to the officer, for use in preparing the report, a copy 8384
of any victim impact statement regarding that person. The copies 8385
of a victim impact statement that are made available to the 8386
adjudicated delinquent child or the adjudicated delinquent child's 8387
counsel and the prosecuting attorney pursuant to this division 8388
shall be returned to the court by the person to whom they were 8389
made available immediately following the imposition of an order of 8390
disposition for the child under this chapter. 8391

The copy of a victim impact statement that is made available 8392
pursuant to this division to an officer preparing a criminal 8393
presentence investigation report shall be returned to the court by 8394
the officer immediately following its use in preparing the report. 8395

(4) The department of youth services shall work with local 8396
probation departments and victim assistance programs to develop a 8397

standard victim impact statement. 8398

(E) If a child is adjudicated a delinquent child for being a 8399
chronic truant or an habitual truant who previously has been 8400
adjudicated an unruly child for being an habitual truant and the 8401
court determines that the parent, guardian, or other person having 8402
care of the child has failed to cause the child's attendance at 8403
school in violation of section 3321.38 of the Revised Code, in 8404
addition to any order of disposition it makes under this section, 8405
the court shall warn the parent, guardian, or other person having 8406
care of the child that any subsequent adjudication of the child as 8407
an unruly or delinquent child for being an habitual or chronic 8408
truant may result in a criminal charge against the parent, 8409
guardian, or other person having care of the child for a violation 8410
of division (C) of section 2919.21 or section 2919.24 of the 8411
Revised Code. 8412

(F)(1) During the period of a delinquent child's community 8413
control granted under this section, authorized probation officers 8414
who are engaged within the scope of their supervisory duties or 8415
responsibilities may search, with or without a warrant, the person 8416
of the delinquent child, the place of residence of the delinquent 8417
child, and a motor vehicle, another item of tangible or intangible 8418
personal property, or other real property in which the delinquent 8419
child has a right, title, or interest or for which the delinquent 8420
child has the express or implied permission of a person with a 8421
right, title, or interest to use, occupy, or possess if the 8422
probation officers have reasonable grounds to believe that the 8423
delinquent child is not abiding by the law or otherwise is not 8424
complying with the conditions of the delinquent child's community 8425
control. The court that places a delinquent child on community 8426
control under this section shall provide the delinquent child with 8427
a written notice that informs the delinquent child that authorized 8428
probation officers who are engaged within the scope of their 8429

supervisory duties or responsibilities may conduct those types of 8430
searches during the period of community control if they have 8431
reasonable grounds to believe that the delinquent child is not 8432
abiding by the law or otherwise is not complying with the 8433
conditions of the delinquent child's community control. The court 8434
also shall provide the written notice described in division (E)(2) 8435
of this section to each parent, guardian, or custodian of the 8436
delinquent child who is described in that division. 8437

(2) The court that places a child on community control under 8438
this section shall provide the child's parent, guardian, or other 8439
custodian with a written notice that informs them that authorized 8440
probation officers may conduct searches pursuant to division 8441
(E)(1) of this section. The notice shall specifically state that a 8442
permissible search might extend to a motor vehicle, another item 8443
of tangible or intangible personal property, or a place of 8444
residence or other real property in which a notified parent, 8445
guardian, or custodian has a right, title, or interest and that 8446
the parent, guardian, or custodian expressly or impliedly permits 8447
the child to use, occupy, or possess. 8448

(G) If a juvenile court commits a delinquent child to the 8449
custody of any person, organization, or entity pursuant to this 8450
section and if the delinquent act for which the child is so 8451
committed is either a sexually oriented offense that is not a 8452
registration-exempt sexually oriented offense or a child-victim 8453
oriented offense, the court in the order of disposition shall do 8454
one of the following: 8455

(1) Require that the child be provided treatment as described 8456
in division (A)(2) of section 5139.13 of the Revised Code; 8457

(2) Inform the person, organization, or entity that it is the 8458
preferred course of action in this state that the child be 8459
provided treatment as described in division (A)(2) of section 8460
5139.13 of the Revised Code and encourage the person, 8461

organization, or entity to provide that treatment. 8462

Sec. 2929.01. As used in this chapter: 8463

(A)(1) "Alternative residential facility" means, subject to 8464
division (A)(2) of this section, any facility other than an 8465
offender's home or residence in which an offender is assigned to 8466
live and that satisfies all of the following criteria: 8467

(a) It provides programs through which the offender may seek 8468
or maintain employment or may receive education, training, 8469
treatment, or habilitation. 8470

(b) It has received the appropriate license or certificate 8471
for any specialized education, training, treatment, habilitation, 8472
or other service that it provides from the government agency that 8473
is responsible for licensing or certifying that type of education, 8474
training, treatment, habilitation, or service. 8475

(2) "Alternative residential facility" does not include a 8476
community-based correctional facility, jail, halfway house, or 8477
prison. 8478

(B) "Bad time" means the time by which the parole board 8479
administratively extends an offender's stated prison term or terms 8480
pursuant to section 2967.11 of the Revised Code because the parole 8481
board finds by clear and convincing evidence that the offender, 8482
while serving the prison term or terms, committed an act that is a 8483
criminal offense under the law of this state or the United States, 8484
whether or not the offender is prosecuted for the commission of 8485
that act. 8486

(C) "Basic probation supervision" means a requirement that 8487
the offender maintain contact with a person appointed to supervise 8488
the offender in accordance with sanctions imposed by the court or 8489
imposed by the parole board pursuant to section 2967.28 of the 8490
Revised Code. "Basic probation supervision" includes basic parole 8491

supervision and basic post-release control supervision.	8492
(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.	8493 8494 8495
(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code.	8496 8497 8498 8499
(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code.	8500 8501 8502
(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.	8503 8504 8505
(H) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.	8506 8507
(I) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.	8508 8509 8510 8511 8512
(J) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	8513 8514
(K) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.	8515 8516 8517 8518
(L) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance	8519 8520 8521

upon alcohol, another drug, or alcohol and another drug and under 8522
which the person may be required to receive assessment and 8523
treatment on an outpatient basis or may be required to reside at a 8524
facility other than the person's home or residence while 8525
undergoing assessment and treatment. 8526

(M) "Economic loss" means any economic detriment suffered by 8527
a victim as a result of the commission of a felony and includes 8528
any loss of income due to lost time at work because of any injury 8529
caused to the victim, and any property loss, medical cost, or 8530
funeral expense incurred as a result of the commission of the 8531
felony. 8532

(N) "Education or training" includes study at, or in 8533
conjunction with a program offered by, a university, college, or 8534
technical college or vocational study and also includes the 8535
completion of primary school, secondary school, and literacy 8536
curricula or their equivalent. 8537

(O) "Electronically monitored house arrest" has the same 8538
meaning as in section 2929.23 of the Revised Code. 8539

(P) "Eligible offender" has the same meaning as in section 8540
2929.23 of the Revised Code except as otherwise specified in 8541
section 2929.20 of the Revised Code. 8542

(Q) "Firearm" has the same meaning as in section 2923.11 of 8543
the Revised Code. 8544

(R) "Halfway house" means a facility licensed by the division 8545
of parole and community services of the department of 8546
rehabilitation and correction pursuant to section 2967.14 of the 8547
Revised Code as a suitable facility for the care and treatment of 8548
adult offenders. 8549

(S) "House arrest" means a period of confinement of an 8550
eligible offender that is in the eligible offender's home or in 8551
other premises specified by the sentencing court or by the parole 8552

board pursuant to section 2967.28 of the Revised Code, that may be 8553
electronically monitored house arrest, and during which all of the 8554
following apply: 8555

(1) The eligible offender is required to remain in the 8556
eligible offender's home or other specified premises for the 8557
specified period of confinement, except for periods of time during 8558
which the eligible offender is at the eligible offender's place of 8559
employment or at other premises as authorized by the sentencing 8560
court or by the parole board. 8561

(2) The eligible offender is required to report periodically 8562
to a person designated by the court or parole board. 8563

(3) The eligible offender is subject to any other 8564
restrictions and requirements that may be imposed by the 8565
sentencing court or by the parole board. 8566

(T) "Intensive probation supervision" means a requirement 8567
that an offender maintain frequent contact with a person appointed 8568
by the court, or by the parole board pursuant to section 2967.28 8569
of the Revised Code, to supervise the offender while the offender 8570
is seeking or maintaining necessary employment and participating 8571
in training, education, and treatment programs as required in the 8572
court's or parole board's order. "Intensive probation supervision" 8573
includes intensive parole supervision and intensive post-release 8574
control supervision. 8575

(U) "Jail" means a jail, workhouse, minimum security jail, or 8576
other residential facility used for the confinement of alleged or 8577
convicted offenders that is operated by a political subdivision or 8578
a combination of political subdivisions of this state. 8579

(V) "Delinquent child" has the same meaning as in section 8580
2152.02 of the Revised Code. 8581

(W) "License violation report" means a report that is made by 8582
a sentencing court, or by the parole board pursuant to section 8583

2967.28 of the Revised Code, to the regulatory or licensing board 8584
or agency that issued an offender a professional license or a 8585
license or permit to do business in this state and that specifies 8586
that the offender has been convicted of or pleaded guilty to an 8587
offense that may violate the conditions under which the offender's 8588
professional license or license or permit to do business in this 8589
state was granted or an offense for which the offender's 8590
professional license or license or permit to do business in this 8591
state may be revoked or suspended. 8592

(X) "Major drug offender" means an offender who is convicted 8593
of or pleads guilty to the possession of, sale of, or offer to 8594
sell any drug, compound, mixture, preparation, or substance that 8595
consists of or contains at least one thousand grams of hashish; at 8596
least one hundred grams of crack cocaine; at least one thousand 8597
grams of cocaine that is not crack cocaine; at least two thousand 8598
five hundred unit doses or two hundred fifty grams of heroin; at 8599
least five thousand unit doses of L.S.D. or five hundred grams of 8600
L.S.D. in a liquid concentrate, liquid extract, or liquid 8601
distillate form; or at least one hundred times the amount of any 8602
other schedule I or II controlled substance other than marihuana 8603
that is necessary to commit a felony of the third degree pursuant 8604
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 8605
Code that is based on the possession of, sale of, or offer to sell 8606
the controlled substance. 8607

(Y) "Mandatory prison term" means any of the following: 8608

(1) Subject to division (Y)(2) of this section, the term in 8609
prison that must be imposed for the offenses or circumstances set 8610
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 8611
division (D) of section 2929.14 of the Revised Code. Except as 8612
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 8613
2925.11 of the Revised Code, unless the maximum or another 8614
specific term is required under section 2929.14 of the Revised 8615

Code, a mandatory prison term described in this division may be 8616
any prison term authorized for the level of offense. 8617

(2) The term of sixty or one hundred twenty days in prison 8618
that a sentencing court is required to impose for a third or 8619
fourth degree felony OVI offense pursuant to division (G)(2) of 8620
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 8621
of the Revised Code. 8622

(3) The term in prison imposed pursuant to section 2971.03 of 8623
the Revised Code for the offenses and in the circumstances 8624
described in division (F)(11) of section 2929.13 of the Revised 8625
Code and that term as modified or terminated pursuant to section 8626
2971.05 of the Revised Code. 8627

(Z) "Monitored time" means a period of time during which an 8628
offender continues to be under the control of the sentencing court 8629
or parole board, subject to no conditions other than leading a 8630
law-abiding life. 8631

(AA) "Offender" means a person who, in this state, is 8632
convicted of or pleads guilty to a felony or a misdemeanor. 8633

(BB) "Prison" means a residential facility used for the 8634
confinement of convicted felony offenders that is under the 8635
control of the department of rehabilitation and correction but 8636
does not include a violation sanction center operated under 8637
authority of section 2967.141 of the Revised Code. 8638

(CC) "Prison term" includes any of the following sanctions 8639
for an offender: 8640

(1) A stated prison term; 8641

(2) A term in a prison shortened by, or with the approval of, 8642
the sentencing court pursuant to section 2929.20, 2967.26, 8643
5120.031, 5120.032, or 5120.073 of the Revised Code; 8644

(3) A term in prison extended by bad time imposed pursuant to 8645

section 2967.11 of the Revised Code or imposed for a violation of 8646
post-release control pursuant to section 2967.28 of the Revised 8647
Code. 8648

(DD) "Repeat violent offender" means a person about whom both 8649
of the following apply: 8650

(1) The person has been convicted of or has pleaded guilty 8651
to, and is being sentenced for committing, for complicity in 8652
committing, or for an attempt to commit, aggravated murder, 8653
murder, involuntary manslaughter, a felony of the first degree 8654
other than one set forth in Chapter 2925. of the Revised Code, a 8655
felony of the first degree set forth in Chapter 2925. of the 8656
Revised Code that involved an attempt to cause serious physical 8657
harm to a person or that resulted in serious physical harm to a 8658
person, or a felony of the second degree that involved an attempt 8659
to cause serious physical harm to a person or that resulted in 8660
serious physical harm to a person. 8661

(2) Either of the following applies: 8662

(a) The person previously was convicted of or pleaded guilty 8663
to, and previously served or, at the time of the offense was 8664
serving, a prison term for, any of the following: 8665

(i) Aggravated murder, murder, involuntary manslaughter, 8666
rape, felonious sexual penetration as it existed under section 8667
2907.12 of the Revised Code prior to September 3, 1996, a felony 8668
of the first or second degree that resulted in the death of a 8669
person or in physical harm to a person, or complicity in or an 8670
attempt to commit any of those offenses; 8671

(ii) An offense under an existing or former law of this 8672
state, another state, or the United States that is or was 8673
substantially equivalent to an offense listed under division 8674
(DD)(2)(a)(i) of this section and that resulted in the death of a 8675
person or in physical harm to a person. 8676

(b) The person previously was adjudicated a delinquent child 8677
for committing an act that if committed by an adult would have 8678
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 8679
section, the person was committed to the department of youth 8680
services for that delinquent act. 8681

(EE) "Sanction" means any penalty imposed upon an offender 8682
who is convicted of or pleads guilty to an offense, as punishment 8683
for the offense. "Sanction" includes any sanction imposed pursuant 8684
to any provision of sections 2929.14 to 2929.18 of the Revised 8685
Code. 8686

(FF) "Sentence" means the sanction or combination of 8687
sanctions imposed by the sentencing court on an offender who is 8688
convicted of or pleads guilty to a felony. 8689

(GG) "Stated prison term" means the prison term, mandatory 8690
prison term, or combination of all prison terms and mandatory 8691
prison terms imposed by the sentencing court pursuant to section 8692
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 8693
includes any credit received by the offender for time spent in 8694
jail awaiting trial, sentencing, or transfer to prison for the 8695
offense and any time spent under house arrest or electronically 8696
monitored house arrest imposed after earning credits pursuant to 8697
section 2967.193 of the Revised Code. 8698

(HH) "Victim-offender mediation" means a reconciliation or 8699
mediation program that involves an offender and the victim of the 8700
offense committed by the offender and that includes a meeting in 8701
which the offender and the victim may discuss the offense, discuss 8702
restitution, and consider other sanctions for the offense. 8703

(II) "Fourth degree felony OVI offense" means a violation of 8704
division (A) of section 4511.19 of the Revised Code that, under 8705
division (G) of that section, is a felony of the fourth degree. 8706

(JJ) "Mandatory term of local incarceration" means the term 8707

of sixty or one hundred twenty days in a jail, a community-based 8708
correctional facility, a halfway house, or an alternative 8709
residential facility that a sentencing court may impose upon a 8710
person who is convicted of or pleads guilty to a fourth degree 8711
felony OVI offense pursuant to division (G)(1) of section 2929.13 8712
of the Revised Code and division (G)(1)(d) or (e) of section 8713
4511.19 of the Revised Code. 8714

(KK) "Designated homicide, assault, or kidnapping offense," 8715
"sexual motivation specification," "sexually violent offense," 8716
"sexually violent predator," and "sexually violent predator 8717
specification" have the same meanings as in section 2971.01 of the 8718
Revised Code. 8719

(LL) "Habitual sex offender," "sexually oriented offense," 8720
~~and "sexual predator,"~~ "registration-exempt sexually oriented 8721
offense," "child-victim oriented offense," "habitual child-victim 8722
offender," and "child-victim predator" have the same meanings as 8723
in section 2950.01 of the Revised Code. 8724

(MM) An offense is "committed in the vicinity of a child" if 8725
the offender commits the offense within thirty feet of or within 8726
the same residential unit as a child who is under eighteen years 8727
of age, regardless of whether the offender knows the age of the 8728
child or whether the offender knows the offense is being committed 8729
within thirty feet of or within the same residential unit as the 8730
child and regardless of whether the child actually views the 8731
commission of the offense. 8732

(NN) "Family or household member" has the same meaning as in 8733
section 2919.25 of the Revised Code. 8734

(OO) "Motor vehicle" and "manufactured home" have the same 8735
meanings as in section 4501.01 of the Revised Code. 8736

(PP) "Detention" and "detention facility" have the same 8737
meanings as in section 2921.01 of the Revised Code. 8738

(QQ) "Third degree felony OVI offense" means a violation of 8739
division (A) of section 4511.19 of the Revised Code that, under 8740
division (G) of that section, is a felony of the third degree. 8741

(RR) "Random drug testing" has the same meaning as in section 8742
5120.63 of the Revised Code. 8743

(SS) "Felony sex offense" has the same meaning as in section 8744
2957.28 of the Revised Code. 8745

(TT) "Body armor" has the same meaning as in section 8746
2941.1411 of the Revised Code. 8747

Sec. 2929.13. (A) Except as provided in division (E), (F), or 8748
(G) of this section and unless a specific sanction is required to 8749
be imposed or is precluded from being imposed pursuant to law, a 8750
court that imposes a sentence upon an offender for a felony may 8751
impose any sanction or combination of sanctions on the offender 8752
that are provided in sections 2929.14 to 2929.18 of the Revised 8753
Code. The sentence shall not impose an unnecessary burden on state 8754
or local government resources. 8755

If the offender is eligible to be sentenced to community 8756
control sanctions, the court shall consider the appropriateness of 8757
imposing a financial sanction pursuant to section 2929.18 of the 8758
Revised Code or a sanction of community service pursuant to 8759
section 2929.17 of the Revised Code as the sole sanction for the 8760
offense. Except as otherwise provided in this division, if the 8761
court is required to impose a mandatory prison term for the 8762
offense for which sentence is being imposed, the court also may 8763
impose a financial sanction pursuant to section 2929.18 of the 8764
Revised Code but may not impose any additional sanction or 8765
combination of sanctions under section 2929.16 or 2929.17 of the 8766
Revised Code. 8767

If the offender is being sentenced for a fourth degree felony 8768

OVI offense or for a third degree felony OVI offense, in addition 8769
to the mandatory term of local incarceration or the mandatory 8770
prison term required for the offense by division (G)(1) or (2) of 8771
this section, the court shall impose upon the offender a mandatory 8772
fine in accordance with division (B)(3) of section 2929.18 of the 8773
Revised Code and may impose whichever of the following is 8774
applicable: 8775

(1) For a fourth degree felony OVI offense for which sentence 8776
is imposed under division (G)(1) of this section, an additional 8777
community control sanction or combination of community control 8778
sanctions under section 2929.16 or 2929.17 of the Revised Code; 8779

(2) For a third or fourth degree felony OVI offense for which 8780
sentence is imposed under division (G)(2) of this section, an 8781
additional prison term as described in division (D)(4) of section 8782
2929.14 of the Revised Code. 8783

(B)(1) Except as provided in division (B)(2), (E), (F), or 8784
(G) of this section, in sentencing an offender for a felony of the 8785
fourth or fifth degree, the sentencing court shall determine 8786
whether any of the following apply: 8787

(a) In committing the offense, the offender caused physical 8788
harm to a person. 8789

(b) In committing the offense, the offender attempted to 8790
cause or made an actual threat of physical harm to a person with a 8791
deadly weapon. 8792

(c) In committing the offense, the offender attempted to 8793
cause or made an actual threat of physical harm to a person, and 8794
the offender previously was convicted of an offense that caused 8795
physical harm to a person. 8796

(d) The offender held a public office or position of trust 8797
and the offense related to that office or position; the offender's 8798
position obliged the offender to prevent the offense or to bring 8799

those committing it to justice; or the offender's professional 8800
reputation or position facilitated the offense or was likely to 8801
influence the future conduct of others. 8802

(e) The offender committed the offense for hire or as part of 8803
an organized criminal activity. 8804

(f) The offense is a sex offense that is a fourth or fifth 8805
degree felony violation of section 2907.03, 2907.04, 2907.05, 8806
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 8807
Revised Code. 8808

(g) The offender at the time of the offense was serving, or 8809
the offender previously had served, a prison term. 8810

(h) The offender committed the offense while under a 8811
community control sanction, while on probation, or while released 8812
from custody on a bond or personal recognizance. 8813

(i) The offender committed the offense while in possession of 8814
a firearm. 8815

(2)(a) If the court makes a finding described in division 8816
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 8817
section and if the court, after considering the factors set forth 8818
in section 2929.12 of the Revised Code, finds that a prison term 8819
is consistent with the purposes and principles of sentencing set 8820
forth in section 2929.11 of the Revised Code and finds that the 8821
offender is not amenable to an available community control 8822
sanction, the court shall impose a prison term upon the offender. 8823

(b) Except as provided in division (E), (F), or (G) of this 8824
section, if the court does not make a finding described in 8825
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 8826
this section and if the court, after considering the factors set 8827
forth in section 2929.12 of the Revised Code, finds that a 8828
community control sanction or combination of community control 8829
sanctions is consistent with the purposes and principles of 8830

sentencing set forth in section 2929.11 of the Revised Code, the 8831
court shall impose a community control sanction or combination of 8832
community control sanctions upon the offender. 8833

(C) Except as provided in division (E), (F), or (G) of this 8834
section, in determining whether to impose a prison term as a 8835
sanction for a felony of the third degree or a felony drug offense 8836
that is a violation of a provision of Chapter 2925. of the Revised 8837
Code and that is specified as being subject to this division for 8838
purposes of sentencing, the sentencing court shall comply with the 8839
purposes and principles of sentencing under section 2929.11 of the 8840
Revised Code and with section 2929.12 of the Revised Code. 8841

(D) Except as provided in division (E) or (F) of this 8842
section, for a felony of the first or second degree and for a 8843
felony drug offense that is a violation of any provision of 8844
Chapter 2925., 3719., or 4729. of the Revised Code for which a 8845
presumption in favor of a prison term is specified as being 8846
applicable, it is presumed that a prison term is necessary in 8847
order to comply with the purposes and principles of sentencing 8848
under section 2929.11 of the Revised Code. Notwithstanding the 8849
presumption established under this division, the sentencing court 8850
may impose a community control sanction or a combination of 8851
community control sanctions instead of a prison term on an 8852
offender for a felony of the first or second degree or for a 8853
felony drug offense that is a violation of any provision of 8854
Chapter 2925., 3719., or 4729. of the Revised Code for which a 8855
presumption in favor of a prison term is specified as being 8856
applicable if it makes both of the following findings: 8857

(1) A community control sanction or a combination of 8858
community control sanctions would adequately punish the offender 8859
and protect the public from future crime, because the applicable 8860
factors under section 2929.12 of the Revised Code indicating a 8861
lesser likelihood of recidivism outweigh the applicable factors 8862

under that section indicating a greater likelihood of recidivism. 8863

(2) A community control sanction or a combination of 8864
community control sanctions would not demean the seriousness of 8865
the offense, because one or more factors under section 2929.12 of 8866
the Revised Code that indicate that the offender's conduct was 8867
less serious than conduct normally constituting the offense are 8868
applicable, and they outweigh the applicable factors under that 8869
section that indicate that the offender's conduct was more serious 8870
than conduct normally constituting the offense. 8871

(E)(1) Except as provided in division (F) of this section, 8872
for any drug offense that is a violation of any provision of 8873
Chapter 2925. of the Revised Code and that is a felony of the 8874
third, fourth, or fifth degree, the applicability of a presumption 8875
under division (D) of this section in favor of a prison term or of 8876
division (B) or (C) of this section in determining whether to 8877
impose a prison term for the offense shall be determined as 8878
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 8879
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 8880
Revised Code, whichever is applicable regarding the violation. 8881

(2) If an offender who was convicted of or pleaded guilty to 8882
a felony violates the conditions of a community control sanction 8883
imposed for the offense solely by reason of producing positive 8884
results on a drug test, the court, as punishment for the violation 8885
of the sanction, shall not order that the offender be imprisoned 8886
unless the court determines on the record either of the following: 8887

(a) The offender had been ordered as a sanction for the 8888
felony to participate in a drug treatment program, in a drug 8889
education program, or in narcotics anonymous or a similar program, 8890
and the offender continued to use illegal drugs after a reasonable 8891
period of participation in the program. 8892

(b) The imprisonment of the offender for the violation is 8893

consistent with the purposes and principles of sentencing set 8894
forth in section 2929.11 of the Revised Code. 8895

(F) Notwithstanding divisions (A) to (E) of this section, the 8896
court shall impose a prison term or terms under sections 2929.02 8897
to 2929.06, section 2929.14, or section 2971.03 of the Revised 8898
Code and except as specifically provided in section 2929.20 or 8899
2967.191 of the Revised Code or when parole is authorized for the 8900
offense under section 2967.13 of the Revised Code shall not reduce 8901
the terms pursuant to section 2929.20, section 2967.193, or any 8902
other provision of Chapter 2967. or Chapter 5120. of the Revised 8903
Code for any of the following offenses: 8904

(1) Aggravated murder when death is not imposed or murder; 8905

(2) Any rape, regardless of whether force was involved and 8906
regardless of the age of the victim, or an attempt to commit rape 8907
if, had the offender completed the rape that was attempted, the 8908
offender would have been subject to a sentence of life 8909
imprisonment or life imprisonment without parole for the rape; 8910

(3) Gross sexual imposition or sexual battery, if the victim 8911
is under thirteen years of age, if the offender previously was 8912
convicted of or pleaded guilty to rape, the former offense of 8913
felonious sexual penetration, gross sexual imposition, or sexual 8914
battery, and if the victim of the previous offense was under 8915
thirteen years of age; 8916

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 8917
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 8918
requires the imposition of a prison term; 8919

(5) A first, second, or third degree felony drug offense for 8920
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 8921
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 8922
4729.99 of the Revised Code, whichever is applicable regarding the 8923
violation, requires the imposition of a mandatory prison term; 8924

(6) Any offense that is a first or second degree felony and 8925
that is not set forth in division (F)(1), (2), (3), or (4) of this 8926
section, if the offender previously was convicted of or pleaded 8927
guilty to aggravated murder, murder, any first or second degree 8928
felony, or an offense under an existing or former law of this 8929
state, another state, or the United States that is or was 8930
substantially equivalent to one of those offenses; 8931

(7) Any offense that is a third degree felony and that is 8932
listed in division (DD)(1) of section 2929.01 of the Revised Code 8933
if the offender previously was convicted of or pleaded guilty to 8934
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 8935
section 2929.01 of the Revised Code; 8936

(8) Any offense, other than a violation of section 2923.12 of 8937
the Revised Code, that is a felony, if the offender had a firearm 8938
on or about the offender's person or under the offender's control 8939
while committing the felony, with respect to a portion of the 8940
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 8941
of the Revised Code for having the firearm; 8942

(9) Any offense of violence that is a felony, if the offender 8943
wore or carried body armor while committing the felony offense of 8944
violence, with respect to the portion of the sentence imposed 8945
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 8946
Code for wearing or carrying the body armor; 8947

(10) Corrupt activity in violation of section 2923.32 of the 8948
Revised Code when the most serious offense in the pattern of 8949
corrupt activity that is the basis of the offense is a felony of 8950
the first degree; 8951

(11) Any sexually violent offense for which the offender also 8952
is convicted of or pleads guilty to a sexually violent predator 8953
specification that was included in the indictment, count in the 8954
indictment, or information charging the sexually violent offense; 8955

(12) A violation of division (A)(1) or (2) of section 2921.36 8956
of the Revised Code, or a violation of division (C) of that 8957
section involving an item listed in division (A)(1) or (2) of that 8958
section, if the offender is an officer or employee of the 8959
department of rehabilitation and correction. 8960

(G) Notwithstanding divisions (A) to (E) of this section, if 8961
an offender is being sentenced for a fourth degree felony OVI 8962
offense or for a third degree felony OVI offense, the court shall 8963
impose upon the offender a mandatory term of local incarceration 8964
or a mandatory prison term in accordance with the following: 8965

(1) If the offender is being sentenced for a fourth degree 8966
felony OVI offense, the court may impose upon the offender a 8967
mandatory term of local incarceration of sixty days or one hundred 8968
twenty days as specified in division (G)(1)(d) of section 4511.19 8969
of the Revised Code. The court shall not reduce the term pursuant 8970
to section 2929.20, 2967.193, or any other provision of the 8971
Revised Code. The court that imposes a mandatory term of local 8972
incarceration under this division shall specify whether the term 8973
is to be served in a jail, a community-based correctional 8974
facility, a halfway house, or an alternative residential facility, 8975
and the offender shall serve the term in the type of facility 8976
specified by the court. A mandatory term of local incarceration 8977
imposed under division (G)(1) of this section is not subject to 8978
extension under section 2967.11 of the Revised Code, to a period 8979
of post-release control under section 2967.28 of the Revised Code, 8980
or to any other Revised Code provision that pertains to a prison 8981
term. 8982

(2) If the offender is being sentenced for a third degree 8983
felony OVI offense, or if the offender is being sentenced for a 8984
fourth degree felony OVI offense and the court does not impose a 8985
mandatory term of local incarceration under division (G)(1) of 8986
this section, the court shall impose upon the offender a mandatory 8987

prison term of sixty days or one hundred twenty days as specified 8988
in division (G)(1)(e) of section 4511.19 of the Revised Code. The 8989
court shall not reduce the term pursuant to section 2929.20, 8990
2967.193, or any other provision of the Revised Code. In no case 8991
shall an offender who once has been sentenced to a mandatory term 8992
of local incarceration pursuant to division (G)(1) of this section 8993
for a fourth degree felony OVI offense be sentenced to another 8994
mandatory term of local incarceration under that division for any 8995
violation of division (A) of section 4511.19 of the Revised Code. 8996
The court shall not sentence the offender to a community control 8997
sanction under section 2929.16 or 2929.17 of the Revised Code. The 8998
department of rehabilitation and correction may place an offender 8999
sentenced to a mandatory prison term under this division in an 9000
intensive program prison established pursuant to section 5120.033 9001
of the Revised Code if the department gave the sentencing judge 9002
prior notice of its intent to place the offender in an intensive 9003
program prison established under that section and if the judge did 9004
not notify the department that the judge disapproved the 9005
placement. Upon the establishment of the initial intensive program 9006
prison pursuant to section 5120.033 of the Revised Code that is 9007
privately operated and managed by a contractor pursuant to a 9008
contract entered into under section 9.06 of the Revised Code, both 9009
of the following apply: 9010

(a) The department of rehabilitation and correction shall 9011
make a reasonable effort to ensure that a sufficient number of 9012
offenders sentenced to a mandatory prison term under this division 9013
are placed in the privately operated and managed prison so that 9014
the privately operated and managed prison has full occupancy. 9015

(b) Unless the privately operated and managed prison has full 9016
occupancy, the department of rehabilitation and correction shall 9017
not place any offender sentenced to a mandatory prison term under 9018
this division in any intensive program prison established pursuant 9019

to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code if either of the following applies:

(1) The offense was a sexually violent offense, and the offender also was convicted of or pleaded guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense.

(2) The judge imposing sentence for the sexually oriented offense determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(I) If an offender is being sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense or for a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's ~~duty to register pursuant to section duties imposed under sections 2950.04 of the Revised Code, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant to section, 2950.041, 2950.05 of the Revised Code, the offender's duty to periodically verify the offender's current residence address pursuant to section, and 2950.06 of the Revised Code,~~ and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration and, if required under division (A)(2) of section 2950.03 of the Revised Code, shall perform the duties specified in that section.

(J)(1) Except as provided in division (J)(2) of this section,

when considering sentencing factors under this section in relation 9051
to an offender who is convicted of or pleads guilty to an attempt 9052
to commit an offense in violation of section 2923.02 of the 9053
Revised Code, the sentencing court shall consider the factors 9054
applicable to the felony category of the violation of section 9055
2923.02 of the Revised Code instead of the factors applicable to 9056
the felony category of the offense attempted. 9057

(2) When considering sentencing factors under this section in 9058
relation to an offender who is convicted of or pleads guilty to an 9059
attempt to commit a drug abuse offense for which the penalty is 9060
determined by the amount or number of unit doses of the controlled 9061
substance involved in the drug abuse offense, the sentencing court 9062
shall consider the factors applicable to the felony category that 9063
the drug abuse offense attempted would be if that drug abuse 9064
offense had been committed and had involved an amount or number of 9065
unit doses of the controlled substance that is within the next 9066
lower range of controlled substance amounts than was involved in 9067
the attempt. 9068

(K) As used in this section, "drug abuse offense" has the 9069
same meaning as in section 2925.01 of the Revised Code. 9070

Sec. 2929.19. (A)(1) The court shall hold a sentencing 9071
hearing before imposing a sentence under this chapter upon an 9072
offender who was convicted of or pleaded guilty to a felony and 9073
before resentencing an offender who was convicted of or pleaded 9074
guilty to a felony and whose case was remanded pursuant to section 9075
2953.07 or 2953.08 of the Revised Code. At the hearing, the 9076
offender, the prosecuting attorney, the victim or the victim's 9077
representative in accordance with section 2930.14 of the Revised 9078
Code, and, with the approval of the court, any other person may 9079
present information relevant to the imposition of sentence in the 9080
case. The court shall inform the offender of the verdict of the 9081

jury or finding of the court and ask the offender whether the 9082
offender has anything to say as to why sentence should not be 9083
imposed upon the offender. 9084

(2) Except as otherwise provided in this division, before 9085
imposing sentence on an offender who is being sentenced for a 9086
sexually oriented offense that was committed on or after January 9087
1, 1997, that is not a registration-exempt sexually oriented 9088
offense, and that is not a sexually violent offense, ~~and~~ before 9089
imposing sentence on an offender who is being sentenced for a 9090
sexually violent offense committed on or after January 1, 1997, 9091
and who was not charged with a sexually violent predator 9092
specification in the indictment, count in the indictment, or 9093
information charging the sexually violent offense, and before 9094
imposing sentence on or after May 7, 2002, on an offender who is 9095
being sentenced for a sexually oriented offense that is not a 9096
registration-exempt sexually oriented offense and who was 9097
acquitted of a sexually violent predator specification included in 9098
the indictment, count in the indictment, or information charging 9099
the sexually oriented offense, the court shall conduct a hearing 9100
in accordance with division (B) of section 2950.09 of the Revised 9101
Code to determine whether the offender is a sexual predator. The 9102
court shall not conduct a hearing under that division if the 9103
offender is being sentenced for a sexually violent offense ~~and~~, if 9104
a sexually violent predator specification was included in the 9105
indictment, count in the indictment, or information charging the 9106
sexually violent offense, and if the offender was convicted of or 9107
pleaded guilty to that sexually violent predator specification. 9108
Before imposing sentence on an offender who is being sentenced for 9109
a sexually oriented offense that is not a registration-exempt 9110
sexually oriented offense, the court also shall comply with 9111
division (E) of section 2950.09 of the Revised Code. 9112

Before imposing sentence on or after the effective date of 9113

this amendment on an offender who is being sentenced for a 9114
child-victim oriented offense, regardless of when the offense was 9115
committed, the court shall conduct a hearing in accordance with 9116
division (B) of section 2950.091 of the Revised Code to determine 9117
whether the offender is a child-victim predator. Before imposing 9118
sentence on an offender who is being sentenced for a child-victim 9119
oriented offense, the court also shall comply with division (E) of 9120
section 2950.091 of the Revised Code. 9121

(B)(1) At the sentencing hearing, the court, before imposing 9122
sentence, shall consider the record, any information presented at 9123
the hearing by any person pursuant to division (A) of this 9124
section, and, if one was prepared, the presentence investigation 9125
report made pursuant to section 2951.03 of the Revised Code or 9126
Criminal Rule 32.2, and any victim impact statement made pursuant 9127
to section 2947.051 of the Revised Code. 9128

(2) The court shall impose a sentence and shall make a 9129
finding that gives its reasons for selecting the sentence imposed 9130
in any of the following circumstances: 9131

(a) Unless the offense is a sexually violent offense for 9132
which the court is required to impose sentence pursuant to 9133
division (G) of section 2929.14 of the Revised Code, if it imposes 9134
a prison term for a felony of the fourth or fifth degree or for a 9135
felony drug offense that is a violation of a provision of Chapter 9136
2925. of the Revised Code and that is specified as being subject 9137
to division (B) of section 2929.13 of the Revised Code for 9138
purposes of sentencing, its reasons for imposing the prison term, 9139
based upon the overriding purposes and principles of felony 9140
sentencing set forth in section 2929.11 of the Revised Code, and 9141
any factors listed in divisions (B)(1)(a) to (i) of section 9142
2929.13 of the Revised Code that it found to apply relative to the 9143
offender. 9144

(b) If it does not impose a prison term for a felony of the 9145

first or second degree or for a felony drug offense that is a 9146
violation of a provision of Chapter 2925. of the Revised Code and 9147
for which a presumption in favor of a prison term is specified as 9148
being applicable, its reasons for not imposing the prison term and 9149
for overriding the presumption, based upon the overriding purposes 9150
and principles of felony sentencing set forth in section 2929.11 9151
of the Revised Code, and the basis of the findings it made under 9152
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 9153

(c) If it imposes consecutive sentences under section 2929.14 9154
of the Revised Code, its reasons for imposing the consecutive 9155
sentences; 9156

(d) If the sentence is for one offense and it imposes a 9157
prison term for the offense that is the maximum prison term 9158
allowed for that offense by division (A) of section 2929.14 of the 9159
Revised Code, its reasons for imposing the maximum prison term; 9160

(e) If the sentence is for two or more offenses arising out 9161
of a single incident and it imposes a prison term for those 9162
offenses that is the maximum prison term allowed for the offense 9163
of the highest degree by division (A) of section 2929.14 of the 9164
Revised Code, its reasons for imposing the maximum prison term. 9165

(3) Subject to division (B)(4) of this section, if the 9166
sentencing court determines at the sentencing hearing that a 9167
prison term is necessary or required, the court shall do all of 9168
the following: 9169

(a) Impose a stated prison term; 9170

(b) Notify the offender that, as part of the sentence, the 9171
parole board may extend the stated prison term for certain 9172
violations of prison rules for up to one-half of the stated prison 9173
term; 9174

(c) Notify the offender that the offender will be supervised 9175
under section 2967.28 of the Revised Code after the offender 9176

leaves prison if the offender is being sentenced for a felony of 9177
the first degree or second degree, for a felony sex offense, or 9178
for a felony of the third degree in the commission of which the 9179
offender caused or threatened to cause physical harm to a person; 9180

(d) Notify the offender that the offender may be supervised 9181
under section 2967.28 of the Revised Code after the offender 9182
leaves prison if the offender is being sentenced for a felony of 9183
the third, fourth, or fifth degree that is not subject to division 9184
(B)(3)(c) of this section; 9185

(e) Notify the offender that, if a period of supervision is 9186
imposed following the offender's release from prison, as described 9187
in division (B)(3)(c) or (d) of this section, and if the offender 9188
violates that supervision or a condition of post-release control 9189
imposed under division (B) of section 2967.131 of the Revised 9190
Code, the parole board may impose a prison term, as part of the 9191
sentence, of up to one-half of the stated prison term originally 9192
imposed upon the offender; 9193

(f) Require that the offender not ingest or be injected with 9194
a drug of abuse and submit to random drug testing as provided in 9195
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 9196
is applicable to the offender who is serving a prison term, and 9197
require that the results of the drug test administered under any 9198
of those sections indicate that the offender did not ingest or was 9199
not injected with a drug of abuse. 9200

(4) If the offender is being sentenced for a sexually violent 9201
offense that the offender committed on or after January 1, 1997, 9202
and the offender also is convicted of or pleads guilty to a 9203
sexually violent predator specification that was included in the 9204
indictment, count in the indictment, or information charging the 9205
sexually violent offense, if the offender is being sentenced for a 9206
sexually oriented offense that is not a registration-exempt 9207
sexually oriented offense and that the offender committed on or 9208

after January 1, 1997, and the court imposing the sentence has 9209
determined pursuant to division (B) of section 2950.09 of the 9210
Revised Code that the offender is a sexual predator, if the 9211
offender is being sentenced on or after the effective date of this 9212
amendment for a child-victim oriented offense and the court 9213
imposing the sentence has determined pursuant to division (B) of 9214
section 2950.091 of the Revised Code that the offender is a 9215
child-victim predator, or if the offender is being sentenced for 9216
an aggravated sexually oriented offense as defined in section 9217
2950.01 of the Revised Code ~~that the offender committed on or~~ 9218
~~after the effective date of this amendment~~, the court shall 9219
include in the offender's sentence a statement that the offender 9220
has been adjudicated ~~as being~~ a sexual predator, has been 9221
adjudicated a child-victim predator, or has been convicted of or 9222
pleaded guilty to an aggravated sexually oriented offense, 9223
whichever is applicable, and shall comply with the requirements of 9224
section 2950.03 of the Revised Code. Additionally, in the 9225
circumstances described in division (G) of section 2929.14 of the 9226
Revised Code, the court shall impose sentence on the offender as 9227
described in that division. 9228

(5) If the sentencing court determines at the sentencing 9229
hearing that a community control sanction should be imposed and 9230
the court is not prohibited from imposing a community control 9231
sanction, the court shall impose a community control sanction. The 9232
court shall notify the offender that, if the conditions of the 9233
sanction are violated, if the offender commits a violation of any 9234
law, or if the offender leaves this state without the permission 9235
of the court or the offender's probation officer, the court may 9236
impose a longer time under the same sanction, may impose a more 9237
restrictive sanction, or may impose a prison term on the offender 9238
and shall indicate the specific prison term that may be imposed as 9239
a sanction for the violation, as selected by the court from the 9240
range of prison terms for the offense pursuant to section 2929.14 9241

of the Revised Code. 9242

(6) Before imposing a financial sanction under section 9243
2929.18 of the Revised Code or a fine under section 2929.25 of the 9244
Revised Code, the court shall consider the offender's present and 9245
future ability to pay the amount of the sanction or fine. 9246

(7) If the sentencing court sentences the offender to a 9247
sanction of confinement pursuant to section 2929.14 or 2929.16 of 9248
the Revised Code that is to be served in a local detention 9249
facility, as defined in section 2929.35 of the Revised Code, and 9250
if the local detention facility is covered by a policy adopted 9251
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 9252
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 9253
and section 2929.37 of the Revised Code, both of the following 9254
apply: 9255

(a) The court shall specify both of the following as part of 9256
the sentence: 9257

(i) If the offender is presented with an itemized bill 9258
pursuant to section 2929.37 of the Revised Code for payment of the 9259
costs of confinement, the offender is required to pay the bill in 9260
accordance with that section. 9261

(ii) If the offender does not dispute the bill described in 9262
division (B)(7)(a)(i) of this section and does not pay the bill by 9263
the times specified in section 2929.37 of the Revised Code, the 9264
clerk of the court may issue a certificate of judgment against the 9265
offender as described in that section. 9266

(b) The sentence automatically includes any certificate of 9267
judgment issued as described in division (B)(7)(a)(ii) of this 9268
section. 9269

(C)(1) If the offender is being sentenced for a fourth degree 9270
felony OVI offense under division (G)(1) of section 2929.13 of the 9271
Revised Code, the court shall impose the mandatory term of local 9272

incarceration in accordance with that division, shall impose a 9273
mandatory fine in accordance with division (B)(3) of section 9274
2929.18 of the Revised Code, and, in addition, may impose 9275
additional sanctions as specified in sections 2929.15, 2929.16, 9276
2929.17, and 2929.18 of the Revised Code. The court shall not 9277
impose a prison term on the offender. 9278

(2) If the offender is being sentenced for a third or fourth 9279
degree felony OVI offense under division (G)(2) of section 2929.13 9280
of the Revised Code, the court shall impose the mandatory prison 9281
term in accordance with that division, shall impose a mandatory 9282
fine in accordance with division (B)(3) of section 2929.18 of the 9283
Revised Code, and, in addition, may impose an additional prison 9284
term as specified in section 2929.14 of the Revised Code. The 9285
court shall not impose any community control sanction on the 9286
offender. 9287

(D) The sentencing court, pursuant to division (K) of section 9288
2929.14 of the Revised Code, may recommend placement of the 9289
offender in a program of shock incarceration under section 9290
5120.031 of the Revised Code or an intensive program prison under 9291
section 5120.032 of the Revised Code, disapprove placement of the 9292
offender in a program or prison of that nature, or make no 9293
recommendation. If the court recommends or disapproves placement, 9294
it shall make a finding that gives its reasons for its 9295
recommendation or disapproval. 9296

Section 4. That the existing versions of sections 2152.19, 9297
2929.01, 2929.13, and 2929.19 of the Revised Code that are 9298
scheduled to take effect January 1, 2004, are hereby repealed. 9299

Section 5. Sections 3 and 4 of this act shall take effect 9300
January 1, 2004. 9301

Section 6. The provisions of this act are severable. If a 9302

codified or uncodified section of law contained in this act or a 9303
provision or application of such a section is held invalid, the 9304
invalidity does not affect any other codified or uncodified 9305
section of law contained in this act, or any related codified or 9306
uncodified section, or any provision or application of any such 9307
section, that can be given effect without the invalid section or 9308
provision or application. 9309

Section 7. (A) Section 2152.19 of the Revised Code is 9310
presented in Section 1 of this act as a composite of the section 9311
as amended by both Sub. H.B. 247 and Sub. H.B. 393 of the 124th 9312
General Assembly. Section 2919.24 of the Revised Code is presented 9313
in Section 1 of this act as a composite of the section as amended 9314
by Am. Sub. S.B. 3 of the 124th General Assembly and Am. Sub. S.B. 9315
179 of the 123rd General Assembly. Section 2929.13 of the Revised 9316
Code is presented in Section 1 of this act as a composite of the 9317
section as amended by both Am. Sub. H.B. 327 and Sub. H.B. 485 of 9318
the 124th General Assembly. Section 2929.19 of the Revised Code, 9319
effective until January 1, 2004, is presented in Section 1 of this 9320
act as a composite of the section as amended by both Sub. H.B. 170 9321
and Sub. H.B. 485 of the 124th General Assembly. Section 2950.08 9322
of the Revised Code is presented in Section 1 of this act as a 9323
composite of the section as amended by both Am. Sub. H.B. 180 and 9324
Am. Sub. S.B. 160 of the 121st General Assembly. The General 9325
Assembly, applying the principle stated in division (B) of section 9326
1.52 of the Revised Code that amendments are to be harmonized if 9327
reasonably capable of simultaneous operation, finds that the 9328
composites are the resulting versions of the sections in effect 9329
prior to the effective date of the sections as presented in 9330
Section 1 of this act. 9331

(B) Section 2929.13 of the Revised Code is presented in 9332
Section 3 of this act as a composite of the section as amended by 9333
Am. Sub. H.B. 327, Sub. H.B. 485, and Am. Sub. S.B. 123 of the 9334

124th General Assembly. Section 2929.19 of the Revised Code, 9335
effective January 1, 2004, is presented in Section 3 of this act 9336
as a composite of the section as amended by Sub. H.B. 170, Sub. 9337
H.B. 485, and Am. Sub. S.B. 123, all of the 124th General 9338
Assembly. The General Assembly, applying the principle stated in 9339
division (B) of section 1.52 of the Revised Code that amendments 9340
are to be harmonized if reasonably capable of simultaneous 9341
operation, finds that the composites are the resulting versions of 9342
the sections in effect prior to the effective date of the sections 9343
as presented in Section 3 of this act. 9344

Section 8. Sections 1923.01, 1923.02, 1923.051, 5321.01, and 9345
5321.03 of the Revised Code, as amended by this act, and sections 9346
2950.031 and 5321.051 of the Revised Code, as enacted by this act, 9347
apply to rental agreements entered into on or after the effective 9348
date of this act. 9349

Section 9. This act is hereby declared to be an emergency 9350
measure necessary for the immediate preservation of the public 9351
peace, health, and safety. The reason for such necessity is that 9352
it is crucial for this state to make the changes in this act as 9353
soon as possible, in order to expand the protections and 9354
information afforded residents of this state regarding offenders 9355
who commit sexually oriented offenses or child-victim oriented 9356
offenses and in order to comply with the federal Jacob Wetterling 9357
Crimes Against Children and Sexually Violent Offender Registration 9358
Act and standards adopted under that Act and receive related 9359
federal funding that is contingent upon compliance. Therefore, 9360
this act shall go into immediate effect. 9361